



Appendix No. 6 to the
Report of the
Reforms Enquiry Committee

1924

3
46
14
164
194
384
107
146
195

513

Oral Evidence (In two Volumes)

Volume I

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TABLE OF CONTENTS.

(VOLUME I.)

	PAGE.
1. Mr. S. M. Chitnavis, I.S.O., <i>ex-Minister</i> , Central Provinces	1—53
2. Rao Bahadur N. K. Kelkar, <i>ex-Minister</i> , Central Provinces	54—146
3. Messrs. Gokeran Nath Misra and Hirday Nath Kunzru, on behalf of the U. P. Liberal Association, Allahabad	147—214
4. Lala Harkishan Lal, <i>ex-Minister</i> , Punjab	215—264
5. Mr. A. N. Surve, M.L.C., Bombay	265—294
6. Mr. C. Y. Chintamani, <i>ex-Minister</i> , United Provinces	295—384
7. Mr. R. G. Pradhan, M.L.C., Bombay	385—407
8. Mr. M. Barkat Ali, on behalf of the Punjab Provincial Moslem League ..	408—446
9. Mr. B. S. Kamat, on behalf of the Deccan Sabha, Poona	447—495
10. Mr. Jamnadas Dwarkadas on behalf of the Bombay Branch of the National Home Rule League	496—513

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REFORMS ENQUIRY COMMITTEE.

Thursday, the 7th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. S. M. Chitnavis, ex-Minister, C. P.

EXAMINED BY THE CHAIRMAN.

Q.—We propose to examine you, Mr. Chitnavis, publicly. I suppose you have no objection ?

A.—No.

Q.—In the first place, I should like to thank you on behalf of the Committee for your memorandum. I propose to ask you a few general questions as to your position, not because this Committee do not know the facts, but because the evidence will be read by the public who may not be aware of your position. Therefore I may just ask you to explain what positions you have held.

A.—I was a Minister.

Q.—In the first place, you were a member of the first reformed Council in the C. P. ?

A.—Yes.

Q.—And you held the office of Minister throughout that Council ?

A.—Yes.

Q.—Can you tell us what subjects you were in charge of ?

A.—Excise, Registration, Agriculture, Veterinary, Co-operative societies, Industries.

Q.—You held charge of the same subjects throughout the three years ?

A.—Yes.

Q.—Before you were a Minister, I think you were a Deputy Commissioner ?

A.—Yes.

Q.—And therefore you had considerable experience of official business ?

A.—Yes.

Q.—And your colleague in the first Council was Rao Bahadur Kelkar ?

A.—Yes.

Q.—Then in the second Council you were again Minister ?

A.—Yes.

Q.—But not Rao Bahadur Kelkar ?

A.—No.

Q.—The second Ministry held office till March 1924 ?

A.—Yes.

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A.—Yes. A vote of ‘ no confidence ’ was passed in the month of January and subsequently in March the whole budget was thrown out and the Ministers salaries were voted at Re. 1 a year for each Minister.

Q.—On that general vote you resigned ?

A.—Yes.

Q.—I propose to take you through one or two main points in your memorandum. Have you got a copy of your memorandum ?

A.—Yes.

Q.—I see that in paras. 1 and 2 of the memorandum you take the view that the electorate in the Central Provinces is a small one ?

A.—Yes, it is.

Q.—And also I take it that you consider it to be a somewhat illiterate electorate ?

A.—Yes.

Q.—Speaking generally, you consider it as illiterate ?

A.—Yes, in the rural areas particularly.

Q.—And you mention in the paragraph which follows, that practically the party system did not exist, and that there were no recognised parties ?

A.—Yes, there were no recognised and well-knit parties.

Q.—Can you tell us what voting power you yourself commanded ?

A.—It varied from time to time.

Q.—Had you any definite nucleus of members on whom you could rely on always ?

A.—A few of them were my constant supporters.

Q.—How many ?

A.—About a dozen.

Q.—Then in para. 4 you criticise the fact that there was no Minister in the proper sense ?

A.—No.

Q.—That is, that there was no corporate responsibility. You say that the Government of India Act does not recognise corporate responsibility ?

A.—The wording of the Act and the Rules gives that impression.

Q.—I put it to you, is there anything in the Government of India Act in your opinion, which prevents joint responsibility of ministers ?

A.—No, but it does not clearly recognise it.

Q.—May I put it to you that the responsibility of Ministers is rather a convention than a law. I do not think you will find in any Act defining provisions providing for joint responsibility. Is it in your opinion the fact that you cannot expect joint responsibility till you have a party system ?

A.—I think so.

Q.—And therefore the fact that you had not a party system, naturally resulted in your defeat ?

A.—In the present Council there is a party, but it is pledged to wreck dyarchy, and the Ministers had no sufficient backing.

Q.—As a matter of fact your colleague in his note complains that, as regards the excise policy, he was not consulted by you ?

A.—He is not right, I am sorry to say, because the policy was settled at a Cabinet meeting. What happened was, that a resolution was to be moved in the Council. Our practice was to discuss all resolutions at a meeting of the whole Government, three or four days before the Council session commenced, and all the resolutions of that session were accordingly discussed and my colleague was present at the meeting.

Q.—I did not put the question with the object of eliciting the particular circumstances ?

A.—He was present.

Q.—I am putting it to you whether in the Central Provinces there is any rule requiring consultation in a case where two Departments are concerned ?

A.—That was at the discretion of the Governor. He called a meeting of the whole Government whenever he thought it necessary.

Q.—In the Model Rules which were circulated to Local Governments, rule 25 definitely lays down consultation. Was there not such a rule ?

A.—There was. All questions of major importance were discussed at cabinet meetings.

Q.—Is it provided for in the Rules of Business ?

A.—I have not got a copy of the Rules with me, and I have no recollection as to what they contain.

Q.—You say practically the Ministers relied very largely on the official vote ?

A.—In certain cases.

Q.—That was given in favour of your policy ?

A.—It had to be given because the policy was settled by the Government as a whole and each half voted for the other.

Q.—But my point was this that the policy was your policy ?

A.—Yes.

Q.—Then you suggest at the end of paragraph 5 that when a vote is taken on transferred subjects the official members should not vote.

A.—If you want the Ministers to develop a sense of full responsibility to the Council, such a convention would be necessary.

Q.—But as a matter of fact, in the Central Provinces that would have resulted in the defeat of your policy ?

A.—On occasions it might have been so.

Q.—The result would have been that you would not have carried out your policy ?

A.—No. The Ministers might have had to resign.

Q.—Supposing they had gone and a new policy had been substituted, then the new Ministers would have been able to carry their point without the Government vote ?

A.—That I could not tell, until the suggestion was given a trial.

Q.—In fact, during the whole of your time there was no change of ministers in the first reformed council ?

A.—No.

Q.—The next point I would like to take you through is the question of financial restrictions of ministers. I am correct, am I not, in saying as regards the allocation between reserved and transferred subjects in the C. P. there was never any dispute ?

A.—None, so far as I remember, particularly owing to financial stringency.

Q.—There was no conflict ?

A.—No, because there was no money to be had.

Q.—And therefore as regards the allocation for transferred subjects no difficulty arose ?

A.—There was no difficulty to speak of.

Q.—Then you regret the limitations created by the existence of the rule creating the Finance Department ?

A.—We could not do without a Finance Department, but what I say is that it ought not to be necessarily in charge of an Executive Councillor.

Q.—I can see your point on that, but what I am not so clear about is this. You consider the restrictions that are imposed by the rules are unnecessary and superfluous ?

A.—Treasury control is required in every country, but what I urge is that for the development of financial responsibility in Ministers and the Legislature the Finance Department ought not to be necessarily in charge of an Executive Councillor.

Q.—That is not my question. What I wish to put to you is, without any reference to those who exercise control, do the rules as they exist impose greater restrictions than are necessary ?

A.—Yes, in certain respects.

Q.—Would you indicate them ?

A.—In the matter of reappropriation and things like that.

Q.—Have you got a copy of the rules ?

A.—No.

Q.—May I give you a copy of the rules ? One point you take is the restriction on reappropriation. I put it to you that our rules are in fact those of the English Treasury and reappropriation under the Finance Department rules is intended as a protection to the Legislature. Do you consider that unnecessary ?

A.—Some latitude ought to be allowed to the Ministers.

Q.—Can you indicate what kind of relaxation ?

A.—Certain proposals came from the Departments and I could not sanction them, although I considered them necessary and in the interests

had to be abandoned. This was not altogether satisfactory.

Q.—We all suffer from the Finance Department. I quite agree. But the restrictions on the transferred side are never greater than on the reserved side ?

A.—No.

Q.—They are the same ?

A.—Yes.

Q.—Supposing that you, Mr. Chitnavis, had been in charge of the Finance Department, can you think that you would have generally acted differently to the member who was in charge ?

A.—No.

Q.—Speaking generally not ?

A.—No restrictions.

Q.—Then I take it that your objection to the financial control is mainly that the member of the Executive Council is the head of the department ?

A.—It should not be a reserved subject. A Minister may be appointed occasionally, if not regularly. It would give the Ministers experience.

Q.—The position of the Finance Department is that of an expert adviser. You are bound to follow their advice ?

A.—Yes.

Q.—They do not advise on policy ?

A.—No.

Q.—Nor are you bound to accept their opinion ?

A.—In the Excise Department prohibition was accepted as the goal of the Excise policy as regards country liquor. To achieve this, intensive measures had to be adopted, such as increasing the still-head duty, reduction of the number of shops and so on. The Finance Department objected to the Excise Commissioners' proposals under the former head as they related to 'taxation,' but after discussion with the Honourable Finance Member the objections were withdrawn.

Q.—You would not wish that to be otherwise ?

A.—There was no good in giving the Minister a policy to carry and then to raise objections to his measures on the score of 'loss of revenue.'

Q.—My point was this. If a Minister disagrees with the view of the Finance Department, it is open to him, in consultation with the Governor, on his own responsibility to over-rule it ?

A.—Yes, but the Governor naturally accepts their opinion.

Q.—Supposing the question is a vital one, you can go to the Governor and say "I cannot agree with this. I feel very strongly about it" and then the Governor would probably give way ?

A.—Yes.

Q.—Although it might involve a certain amount of trouble to over-rule the Finance Department, you do it ?

A.—We can do it.

your policy ?

A.—I objected to the manner in which the objections were put forward.

Q.—I understand that was not successful ?

A.—It was not successful because our proposals were sound.

Q.—There is one other point on this financial matter, Mr. Chitnavis, which I should like to ask a question. On the question of the appointment of the Joint Finance Secretary you say that his position would be unenviable. Why do you think so ?

A.—He would not be liked by the Finance Secretary or the Finance Department. He would likely be looked upon as a spy.

Q.—Surely he would put forward your case from the expert point of view ?

A.—One was not required in the Central Provinces and we did not need one. If one had been appointed he could not have served any useful purpose.

Q.—On the whole, the Finance Department was not unreasonable ?

A.—No.

Q.—He would be your financial adviser. The rules contemplate the appointment of a Joint Finance Secretary and I think you ought to be consulted as to the person to be appointed ?

A.—Yes.

Q.—In view of what we have had so far, would you like to modify in any way this statement of yours in paragraph 9 ?

A.—What is it about ?

Q.—You say on page 5 of the printed memorandum, paragraph 9, The Finance Department possesses the constitutional power of conducting itself in such a way as to keep the transferred departments on reduced rations ?

A.—It has got the constitutional power of doing it if it wants to do it. It was not done. As the constitution stands they have got the power.

Q.—On the occasions on which they obstructed you, you were able to over-rule them ?

A.—I could get what I wanted by friendly discussion.

Q.—By reduced rations, you mean that there was no money or do you mean anything more than that ?

A.—More money can be appropriated if so desired towards the reserved departments than towards the transferred departments.

Q.—We had it from you that on the question of allocation between the two sides there was never any difficulty ?

A.—There was none. As I have said there was financial stringency. If difficulties might arise and these should be provided against.

Q.—No difficulty has actually been experienced in the working ?

A.—Not in the Central Provinces. Owing to want of money very few new improvements could be made.

Q.—That of course was not the fault of the Finance Department ?

A.—I have not complained. I got on well with the Finance Department on the whole.

Q.—Then again you say “ The virtual conversion by rules of the Finance Department into a Reserved Department is wrong in principle and its drawbacks can be emphasised actually in practical administration.” I think your evidence goes to show that that was not so actually in the Central Provinces ?

A.—Not in my province. I have only referred to contingencies.

Q.—Then coming to paragraph 10 about restrictions of higher authorities firstly as to legislation and secondly as to finance. I would leave the question of legislation to other members. As to finance, do you find that this rule which requires the sanction of the Governor General in Council to borrowing of money or taxation beyond Schedule II an unreasonable rule ?

A.—About borrowing money I do not think it is an unreasonable rule About taxation it may be sometimes.

Q.—Would you refer to Schedule II and suggest any alterations ?

A.—I have no alterations to suggest.

Q.—You comment on the fact that the administration of transferred subjects must be exercised in accordance with the provisions of the all-India Codes. What codes have you in mind, Mr. Chitnavis ?

A.—I have mentioned these. We have got the Civil Account Code and Fundamental Rules and there are other codes, for instance, the P. W. D. Code and other codes according to which the administration has to be carried on.

Q.—Do you consider they are unduly restrictive ?

A.—I have mentioned this matter in support of introduction of responsibility in the Central Government.

Q.—Then Rule 49 is referred to, that is the control of the Government of India over transferred subjects. The rule as it stands allows the exercise of powers of superintendence, direction and control for three purposes :—

- (1) to safeguard the administration of Central subjects,
- (2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement, and
- (3) to safeguard the due exercise and performance of any powers and duties possessed by or imposed on the Governor General in Council, for the purposes of the following provisions of the Act, section 29A, section 30 (1a) or any rules made by or with the sanction of the Secretary of State in Council.

Do you regard that as too broad a restriction on powers in regard to transferred subjects ? Is it of importance in connection with provincial autonomy ?

A.—There does not seem to be any objection to that.

Q.—That, in your opinion, is the limit of the Central Government's control ?

A.--Yes.

Q.—Then you come to the conclusion that on account of the constitution of the Government, defects in rules and the large number of non-votable items the present condition of affairs stands in the way of enabling Ministers to rise to the full height of their stature and prevents them from giving effect to the wishes of the people in the Legislative Council. We dealt with the defects in the rules and we dealt also with the constitution of the Government, and the one point on which we have not had any observations is that there are a large number of non-votable items which you consider should be votable ?

A.—It is only as regards the services mostly ; because they are non-votable, they are a constant source of friction and discontent.

Q.—You would like all the services to be votable ?

A.—I think so, with certain safeguards in the interests of the services.

Q.—If you were a Deputy Commissioner, would you like your pay to be votable ?

A.—There ought to be certain safeguards and the interests of the services ought to be protected.

Q.—Passing on then to the next point, I see you say that dyarchy has given some training ?

A.—Yes, if has given us some training.

Q.—Not only to the Ministers but also to the Legislative Council ?

A.—The Legislative Council too has received some training and at the same time it has brought to notice defects and disadvantages of the system.

Q.—In the first part of your Memorandum I think you lay down the proposition, subject to correction, that a narrow electorate cannot be entrusted with further powers ?

A.—That I say is the argument urged in favour of dyarchy.

Q --But you repeat that argument ?

A — The electorate is now capable of knowing its interests to a greater extent than before. If the representatives returned by the electorate are of the necessary calibre and capable of running the work that is entrusted to them and of protecting and furthering the interests of the masses, I think that ought to suffice.

Q — My point is whether in your opinion the representatives who have been trained in the Legislative Council are in fact in a position to discharge their duties properly ?

A.—On account of Non-co-operation certain members who came in were not capable, but there were others who understood their business.

Q.—I will leave it to one of my colleagues to question you further on that point. You come to the conclusion, apart from your general recommendations, that minor amendments in the Act which are possible should be made; for instance, the excessive powers conceded under the rules to the Governor can be curtailed. What excessive powers are there which you want curtailed ?

A.—The Minister is his adviser. The Governor may order a Minister to do a thing or not to do a thing and dismiss him. The Governor was made more absolute in the administration of transferred subjects than in reserved subjects. The settlement of policy for the transferred subjects does not really rest with the Minister. The responsibility of the Minister for policy is greatly diluted.

Q.—But the position as regards the Ministers under dyarchy is exactly what it would be under your scheme ?

A.—The Act lays down that in relation to transferred subjects the Governor should be guided by the advice of the Ministers.

Q.—I do not quite follow the argument that your object could be achieved by simple amendments. Then you say it is possible to increase the number of transferred subjects. What subjects would you propose to transfer ?

A.—Land Revenue, Law and Justice, and all the others.

Q.—Land Revenue and Law and Justice ?

A.—Yes.

Q.—You think Law and Order could be transferred ?

A.—I think it could be. Some mistakes might be committed, but as has been said the best school for responsibility is responsibility itself. We all want that there should be peace and tranquillity in the country and I do not think Ministers would be found wanting in maintaining these.

Q.—The next recommendation you make is that the recommendation of the Joint Committee of Parliament concerning joint deliberations between the reserved and transferred halves of Government should be made statutory ?

A.—Yes.

Q.—As a matter of fact in the Central Provinces do you think there will be no difficulty about it ?

A.—None. At present Ministers are consulted as regards matters concerning reserved subjects wherever the Governor wishes to have their advice, but as their views do not count much they do not feel proper interest in the matter.

Q.—Is not that the same position as regards the reserved side ?

A.—Yes, but their position is much better.

Q.—They cannot vote on the transferred subjects. And then you further recommend that most, if not all, of the powers of superintendence, direction and control should be delegated. But as regards the transferred subjects, you agree that the existing rule is satisfactory.

A.—The Secretary of State's powers should be delegated to the Government of India.

Q.—As regards the transferred subjects, you agree that Rule 49 goes as far as it can go ?

A.—So far as the Government of India's supervision is concerned.

Q.—The same rule applies to the Secretary of State, see the rule under section 19A of the Act. The position is the same as regards the Secretary of State.

A.—So it seems to be.

Q.—And you agree that is as far as you can expect to go ?

A.—Yes.

Q.—And if you transferred more subjects, you would also reduce superintendence, direction and control, as they would fall under same rule ?

A.—There should be more freedom given to the Ministers in the exercise of the responsibility placed on them.

Q.—In what way ?

A.—There should be less restrictions on their actions. The Legislature should be made to realize its responsibility. At present the fact is that the Government is responsible for whatever may befall the power to act independently.

Q.—My point is this. You yourself admit that the power of intercession in Rule 49 should be there ?

A.—I mean the Governor's power.

Q.—Please see Rule 49 and the rule under section 19A ?

A.—The Governor General has got those powers.

Q.—The Secretary of State has got the same powers under section 19A. Do you admit that the principle laid down in Rule 49 is a good principle ?

A.—I have no objection to raise against that.

Q.—Then there is the rule under 19A in the first page of this Book. Do you think that those two rules are satisfactory as regards the transferred subjects ?

A.—That all depends on the rules made. He has got powers to make rules and regulate and restrict his own powers.

Q.—Those rules are known to you ?

A.—Yes.

Q.—Are they satisfactory ?

A.—I do not think the power of re-entry as regards the subjects is very satisfactory.

Q.—That is the power in the Act itself. You think there should be power of re-transfer ?

A.—I think not.

Q.—What then is the position in your own province ? How are things to be carried on ?

A.—Things are being carried on at present ; a chance may be given the electorate to correct its representatives if it so desires.

Q.—You therefore suggest that the Act should be amended taking away the power of re-transfer ?

A.—Yes, and putting the responsibility upon the electorate.

Q.—Would that not lead to a difficult position if you refuse to take office ?

A.—What the Swaraj party desires is end of dyarchy, and that is what it is working for. If dyarchy is ended, they might take office. I must say I do not agree with its methods.

Q.—You see no danger, no serious trouble to the administration ?

A.—I cannot see any danger. The Government can be carried on as it is being done at present.

Q.—But surely it is not to be carried on on that basis ?

A.—Then you ought to appeal to the electorate and let the electorate exercise its choice.

Maharaja of Burdwan.—You say you want some relaxation of the control of the Governor over the Ministers. Will you kindly cite to me the difference between the control of the Governor over a Minister and that over an Executive Councillor ?

A.—As I have already said the Governor was made more absolute in the administration of transferred subjects than in reserved subjects.

Q.—But he is also not bound to take the advice of the Executive Councillor ?

A.—I would refer to section 50 (1) of the Government of India Act.

Q.—In that case would it not meet your case more if instead of the Governor's control being relaxed the Ministers had certain privileges now enjoyed by a Member of Council with regard to notes which they do not possess at present ?

A.—I do not think that will satisfy the people at all.

Q.—Now take a case of the reserved side. The Executive Councillors record their notes of dissent and then the whole case goes up to the Government of India. Your contention is that in the case of Ministers the Governor decides the case and the Ministers have no further say in the matter. Their case must rest with the Governor. Am I correct in this ?

A.—Yes.

Q.—Supposing it were possible for the Ministers on the transferred side also to go up to the Government of India like the Executive Councillors on the reserved side, would your difficulties or your views that the Minister is more controlled by the Governor disappear or not ?

A.—I think not.

Q.—Another point that I wish to put to you is this. You said in answer to a question put by the Chairman that there was a need of new policy, without the Government control, in your province during the three years that you were a Minister. That is to say, you had very often to rely upon the official vote, because that was the policy settled by Government.

A.—On certain occasions we had to rely on official vote.

Q.—But is it not the case that the Governor ordinarily does not call a joint meeting with regard to a transferred subject unless it be the express wish of the Minister concerned along with the Governor to bring that matter to a joint meeting ?

A.—That did occur only on certain occasions. We used to have a joint meeting of the Government and in this meeting before each Council session the attitude to be adopted by Government with regard to the resolutions and motions was decided upon.

Q.—What I meant was this. There are two procedures. One is that before a Legislative Council session begins all the important resolutions are tabulated and the policy of the Government whichever side it may be—reserved or transferred—is decided upon ; and that is the policy that is to be pursued in reply to a resolution in the Legislative Council. The other procedure that I have in my mind is this. Supposing the Department concerned, say the Ministry of Public Health, has a particular subject on which the Minister of Public Health desires a particular policy to be enunciated, then the Governor in consultation with the Minister naturally first of all calls a meeting of that half of Government.

A.—Such a thing did not happen in our province.

Q.—Ordinarily if the Minister and the Governor were agreed about a subject, there was no need for a joint meeting. But if there was any difference of opinion among your colleagues on the transferred side, then the matter was very often referred to the joint meeting.

A.—Yes, the matter was then referred to the whole Government.

Q.—Now, supposing that the matter had not been referred to the whole Government and was settled, as in the case of a reserved subjects, by the meeting of the Executive Council, do you think that your policies as Ministers would have been far better if the Governor often held meetings with your half of Government jointly ?

A.—It might have been in a few cases.

Q.—That being so, don't you think that the new policy which you mentioned to the Chairman would have been better by which more new policies could be launched even if that procedure necessitated the Ministers going out ? Was not that more due to the fact of the Ministers desiring to hang on rather than the policy itself ?

A.—There was no desire on my part to hang on. The Ministers must, in my opinion, try and secure the support of a majority of the members of the Legislative Council, rather than depend upon the official bloc.

Q.—My experience, so far as the Bengal Legislative Council is concerned, has been that very often it has been necessary for the Minister—I won't go to the question why it has been necessary—to carry out his policy with the help of the official vote ?

A.—We had also on some occasions to do the same.

Q.—I think you mentioned to the Chairman that you had to have the official vote.

A.—We had it as a matter of course. They voted with us and we voted with them, although we may have held different views.

Q.—In other Legislative Councils it very often happens that the Ministers first of all mention to the Governor whether they need the official vote or not. If they need the official vote, the official bloc is at their disposal. What I want to know is whether in your Legislative Council it was the invariable practice to have the official vote ?

A.—It was the invariable practice that they voted with us.

Q.—Was it not a practice that you allowed to grow ? There would have been no necessity for this practice to grow if you were certain of your policy. If you were strong in your policy there would have been no need to have the official bloc to support you. What I am driving at is this that during the three years of your Ministry you had recourse to the official vote because that was a sort of custom ?

A.—Quite so

Q.—Supposing it was not the custom because the rules do allow a certain amount of elasticity and supposing the official body was allowed to be reserved or there was a free vote given in Council both to officials and non-officials, do you think that the policy that you launched for three years would have succeeded or that there would have been an occasion for you to go out ?

A.—There may have been an occasion for us to go out.

Q.—Therefore it follows that your policy, whatever it was, was not strong enough to stand without the official vote ?

A.—The composition of the Council was such that Ministers could not always rely upon non-official support

Q.—What I want to say is that without the official vote the Legislative Council would not have accepted the policy that you Ministers launched in the Central Provinces during the last three years ?

A.—Yes, in some cases.

Q.—The second point that I want to put is this. I know it is very unsatisfactory for a Minister to be called to attend a joint meeting and be called an adviser whether his advice is taken or not and yet he has got no responsibility before the Legislative Council. In your Legislative Council did ever an occasion arise when in a matter relating to the reserved side your Governor permitted you to reserve your vote ?

A.—None.

Q.—You were invariably told to vote ?

A.—Yes.

Q.—I believe there is a rule by which you can reserve your vote ?

A.—Yes.

Q.—Now, as regards the question of the enlargement of the powers of Ministers. I should like to know whether a case has ever occurred in your Council, in your Cabinet so to speak, when at a joint meeting a transferred subject came up and when—supposing it was a subject relating to your department of Industries—your colleague and your colleagues on the reserved side voted against you, and in consequence your policy had to be modified ?

A.—We had no such occasion ; at least I had no such occasion.

Q.—If that be the case, is there really very great difficulty or reason for grousing that Ministers are called into consultation relating to the reserved departments and then they cannot vote ?

A.—There are occasions for a grouse.

Q.—Supposing there was a matter in your department with which the Governor did not agree. Would you ordinarily allow that to go to a joint meeting ? Supposing the Minister and the Governor were not of the same opinion about a policy launched by the Minister, what would be the course followed by your Governor ?

A.—He would call in a meeting of the whole Government and take their advice.

Q.—Now supposing in a joint meeting he found that there were four against one or one against four, what will the Governor do ?

A.—In that case my colleague would side with the Governor.

Q.—Have you had any instance of that kind ?

A.—No.

Q.—Supposing you had an instance of that kind, the natural result will be that the Minister would resign ?

A.—Yes, he ought to resign if he has got any self-respect.

Q.—But so far in the working of your province you have had no occasion on which the particular Minister's policy or Bill, whatever it may be, that was brought forward at a joint meeting was, so to speak, thrown out by the Legislative Council ?

A.—No.

Sir Muhammad Shafi.—Are you speaking of the period when you were Minister or are speaking of the new period ?

A.—I am speaking of the period when I was a Minister. There were only I believe three Bills that were introduced during that time.

Q.—As regards reappropriation, could you tell me whether you experienced any real difficulties for the following reasons ? Supposing under the head "Medical" you had, say, a lakh of rupees which had been voted and passed in your original budget. Now, to transfer, say, Rs. 5,000 for a dispensary at Nagpur or a charitable dispensary at Amraoti or at some other place you have to go up to the Legislative Council for a supplementary grant ?

A.—I do not think you have to go up for that.

Q.—You do. The reappropriation very often does happen like that. That is to say you very often have to reappropriate from one major head to a minor head and *vice versa*. Supposing there is a grant of Rs. 5,000 for a dispensary at A. Instead of giving it to the dispensary at A, can you give it to a dispensary at B ?

A.—I think that can be done under the rules.

Q.—If that be so, then what is the difficulty that you feel about reappropriation ? Could you give me an instance ?

A.—I cannot quote an instance from memory.

Q.—I know that the Finance Department is a very troublesome department but nevertheless what I want to know is whether you have had an occasion in which the Finance Department objected to a case like that I just mentioned for transferring the sum of Rs. 5,000 from one dispensary to another ?

A.—None.

Q.—What is the kind of reappropriation that you have in mind ?

A.—There are certain reappropriations for which the Finance Department has to be consulted. If in the Agriculture Department you have money provided for starting a demonstration farm and you want to purchase motor-tractors instead you must consult the Finance Department.

Q.—Supposing you wanted motor tractors, would you not have to go to the Legislative Council ?

A.—I am not sure that I would have to.

Q.—I do not say about your being sure, but I ask you under the rules.

A.—I cannot give an answer offhand.

Q.—What I meant to say was under the rules, for instance, if you wanted to reappropriate a sum of money for a farm, say, for motor tractors, could you not have to go to the Legislative Council for that ?

A.—Yes, I might have to go to the Legislative Council.

Q.—As a supplementary grant ?

A.—Probably.

Q.—Do you not find that it is very often an impediment to go ahead in your department ?

A.—You can call in a meeting of the Standing Committee and place the matter before it. If the members agree you can go on with it.

Q.—Can you give me an instance where the members of the Standing Committee agreed and the Finance Department turned it down ?

A.—There were such cases, but I cannot give particulars.

Q.—I do not want to go into the question of other transferred subjects. I think in your province the system of malguzar is prevalent ?

A.—Yes.

Q.—You do not have any actual permanent settlement ?

A.—We have periodical settlements.

Q.—From that point of view you would not have any great sentimental objection, apart from any real objection on the part of the malguzar, to land revenue being made a transferred subject ?

A.—The principles upon which a land-revenue settlement will be made are now to be embodied in an Act. Then you have got your Revenue Codes and circular orders and instructions. I do not apprehend any objection on the part of the malguzars. Our Tenancy Act adequately safeguards the rights of tenants.

Q.—Would your minister be more certain of an equilibrium under a Tenancy Act of the Legislature than it would be in the case of it being a reserved part?

A.—I can see no difficulty. The rights of tenants are safeguarded and they have got certain privileges which malguzars cannot interfere with.

Sir Henry Moncrieff Smith.—I want to ask you one or two questions about paragraph 10, that portion of it which deals with legislative business and restrictions of higher authorities. In your summary in paragraph 18 you suggest that the Ministers be relieved of a great many of the existing legislative restrictions, and in paragraph 10 you enumerate a lot of restrictions, but you do not suggest which of those should be removed?

A.—I had no difficulty in this matter. No Bills were introduced by me.

Q.—You have told us just now that there were only 3 or 4 Bills on the transferred side?

A.—Yes.

Q.—I understand that any Bills that were introduced were not introduced on your side of the Government?

A.—Introduced by my colleague.

Q.—Can you tell us whether you initiated any legislative proposals which had to be dropped?

A.—Not in my departments. They were dropped during the last session when the Swaraj bloc in the Legislative Council would not accept any proposals of the Ministers.

Q.—Your difficulties, so far as your experience goes, are theoretical rather than practical?

A.—Yes, to a limited extent.

Q.—Among the restrictions which you recite in paragraph 10, starting at the opposite end you mention the veto of the Crown in England. You say, "Legislative proposals of Ministers even though they may have passed through all prescribed stages in India are liable to be vetoed by the Crown in England." Is that a restriction which you suggest should be removed?

A.—I think so. Acts passed by a Legislative Council and consented to by the Local Government ought not to be vetoed by the Secretary of State.

Q.—Assuming you could get removed the veto of the Crown, then you would advocate that should be removed, and still more I take it you would remove the powers of veto which are vested in the Governor and the Governor General in regard to provincial legislation?

A.—That is what my colleague found.

Q.—You want them to be entirely removed without any restrictions?

A.—Yes.

Q.—In your paragraph on these restrictions I take it that you are complaining about statutory restrictions only ?

A.—Yes, that is all.

Q.—Such restrictions as are imposed by the Acts and by rules under them ?

A.—Yes.

Q.—You have no complaint so far as the Government of India is concerned of restrictions imposed by executive orders ?

A.—Which do you refer to ?

Q.—You know there is a set of instructions issued to Local Governments regarding legislation. Have you any complaints about restrictions included in those rules ?

A.—Rules of executive business ?

Q.—No. They are not rules of executive business. They are executive instructions to Local Governments regarding proposals for legislation in provincial Councils.

A.—You are referring to Rules of Legislative business ?

Q.—I do not think you will find them there. But probably as a Minister you may have some experience of their working ?

A.—Not personally.

Q.—You have no complaint of any obstruction or difficulties ?

A.—Personally I had no occasion to complain.

Q.—By reason of executive instructions from the Government of India ?

A.—There was no occasion

Q.—Confining yourself to statutory restrictions, you realise, I presume, that they are not all inherent in dyarchy, they are not due to dyarchy ?

A.—No.

Q.—Many of them are inherent from the old Government of India Act. Some of these restrictions have been as old as the Councils in India themselves, much older than the Legislature in the C. P. ?

A.—They place dyarchy at a great disadvantage. That is why I propose that they should be relaxed.

Q.—You cite some of these difficulties in paragraph 10. You talk about legislative measures regarding “ public health, sanitation, agriculture or Veterinary departments all of which are transferred subjects, the Ministers want to deal with Infectious diseases, or animal diseases, or destructive insects and pests and plant diseases.” I want to invite your attention to the following words—“ they cannot take action which

is not in accordance with principles settled in Acts of Indian Legislature." Can you tell us where you get that from, because it is rather new to me?

A.—I think it is in the Schedule I of the Devolution Rules.

Q.—"Subject to legislation by the Indian Legislature." I knew that that was in your mind. It seems to me that you have rather misinterpreted those words. Can you tell us what you regard as the effect of those words?

A.—I am afraid I cannot.

Q.—Here in the Government of India we never interpret it in the way you interpret it. May I suggest to you what really those words mean? If you look at section 80A (3) of the Government of India Act you will find that the only restriction on Ministers legislating in the Provinces in regard to infectious diseases, animal diseases, insects and pests and so on is that before the Bill is introduced the particular provision dealing with insects, pests, etc., has to receive the sanction of the Governor General. That is the whole effect of it and there is no more to it than that. Then you are going too far, I think, you will admit, when you say that you cannot take action which is not in accordance with principles settled in Acts of the Indian Legislature. Of course, I put it to you that that is not the case. I am trying to clear this up because your memorandum is rather misleading. Then you say, "It is the function of Ministers to prevent adulteration of food stuffs, but they can take no measures which may affect the Import or Export trade of India, a subject exclusively under the control of the Central Government." That, again, I put it to you is a misrepresentation of the legal position. They can take legislative action, I think you will agree?

A.—Yes

Q.—But only this that they have to get the previous sanction of the Governor General. The export and import trade of India is not a subject exclusively under the control of the Central Government. I hope you understand that?

A.—Yes.

Q.—"Exclusively" there is very misleading because the Government of India Act itself specifically enables the Central Legislature and the Ministers to introduce legislation dealing with that subject. The same thing with regard to standards of weight about which you say, "their action must be governed by the Act of the Indian Legislature." There also the position is the same, merely getting the Governor General's previous sanction.

(*Mr. Jinnah*).—Q.—I want to know what your opinion is on that point.

Sir Henry Munerieff Smith.—I am putting to the witness whether he agreed on these points.

A.—I do not know. I must consider the point before I agree.

Q.—Why mention it is because this is not the view which has ever been taken by the Government of India, but as it appears in the memorandum it may mislead. I asked Mr. Chitnavis whether he has ever

considered the effect of those words in the Schedule, " subject to legislation by the Indian Legislature " Can you point to any rule or enactment which explains the effect of those words ?

A.—No. I have taken it from this Schedule.

(*Mr. Chairman*).—*Q*.—What the Committee would like to know is if you accept the view of those words which Sir Henry Moncreif Smith has put ?

A.—I must reserve my opinion.

Q.—May I read the portion of section 80A (3), " The Local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law regulating any provincial subject which has been declared by rules under this Act to be either in whole or in part, subject to legislation by the Indian legislature " That is where the words come in again—

(*Mr M. A. Jinnah*).—I am anxious to know what is the authority by which the witness supports his statement. That is rather important. The witness says, " It is the function . . . " but they can take no measures which may affect the import or export trade of India subject exclusively under the control of the Central Government.

A.—That is a central subject.

Q.—Do you mean to suggest that the Local Legislatures have no power to legislate ?

A.—That is how I understand it. You cannot take any action in regard to Central subjects without the sanction of the Government of India.

Q.—Your statement in your memorandum is absolute that you cannot take any action at all.

A.—That will have to be qualified. What I meant to say is that the sanction of the Governor General is necessary.

Q.—You say that you had no experience and that you have not been hampered by this requirement personally. Have you any knowledge of any Bills on the transferred side in the Central Provinces during your time of office that were hampered by this requirement of previous sanction ?

A.—The Universities Bill and certain portions of the Municipal Act had to be referred to the Government of India.

Q.—Requirement of reference does not mean that legislation is hampered ?

A.—It was hampered in this way. It caused delay and there was a good deal of discontent in the Legislative Council.

(*Mr. Chairman*).—*Q*.—That was not your subject ?

A.—No.

Q.—You said that Rule 49 which defines the extent of the control of the Government of India over transferred subjects is reasonable ?

A.—Yes.

Sir Sivaswami Aiyer.—I just want to refer to one point you made in reply to the Chairman. Between paragraph 1 of your memorandum and paragraph 15 there is an apparent inconsistency. Paragraph 1 reads as if you were for the continuance of dyarchy ?

A.—I have merely given the arguments that are advanced in favour of dyarchy. That is not my view.

Q.—You are not in favour of the continuance of dyarchy ?

A.—No

Q.—You refer in paragraph 1 to the likelihood of a conflict of interests between the enfranchised classes and the unenfranchised masses ?

A.—That is also one of the arguments put forward in favour of dyarchy.

Q.—In your experience taking the field of legislation, has there been any conflict of interest between the enfranchised classes and the unenfranchised masses ?

A.—None.

Q.—Has there been any preference of communal or sectional interests in the field of legislation ?

A.—None.

Q.—References were made to this question of corporate responsibility of the Ministers and you admitted there was nothing in the Act to prevent the enforcement of such corporate responsibility ?

A.—No. But it can be variously interpreted.

Q.—If the Governor had chosen, corporate responsibility could have been enforced ?

A.—Yes.

Q.—If it had been enforced, it would have tended to the formation of a party ? Would it not ?

A.—Yes.

Q.—Is there any insuperable difficulty in the way of recognition of joint responsibility ?

A.—I do not think so.

Q.—It is said that there is a scantiness of material from which you could choose Ministers if one set of Ministers resign. Is that so ?

A.—It was so in the old Council but now you have got better men. You are likely to get better men in the future, and I do not think there will be any difficulty now provided the Swaraj party choose to take office. Owing to non-co-operation, we had in the last Council a certain number of members who were not qualified. Now that difficulty has disappeared and we have got men with sufficient education.

Q.—At any rate in your opinion there is no insuperable difficulty in the way of enforcement of corporate responsibility ?

A.—I do not think so.

Q.—You said there could be no parties without full responsible government. Would you kindly explain ? At present you have responsibility in one half of the Government ?

A.—It is so. In the absence of responsibility members are liable to vote irresponsibly. The consciousness that they are not responsible for their decision, that it would not seriously matter which way the votes are cast, evidently influences some of the members.

Q.—When you said there could be no parties without full responsibility, were you referring to responsibility on the transferred side or responsibility in the entire business of Government ?

A.—Entire business.

Q.—Supposing there was full responsibility in the transferred half and that there was no responsibility in the reserved half, do you think that it will be an impossible position ?

A.—It will be difficult. There is constant conflict between the Government on the reserved half and the people.

Q.—Can you give us any instances of such conflict in your experience ?

A.—There have been several in our Council and several Resolutions were moved.

Q.—When you are speaking of Resolutions which were carried, I should like to know whether they were Resolution which commanded your approval or were merely carried over your heads in the Local Legislative Council ?

A.—You mean in the reserved half or the transferred half ?

Q.—Transferred half.

A.—In the transferred half, the Resolutions which were carried were generally accepted, excepting such as related to abolition of certain posts and the like.

Q.—In the transferred half, do you suggest that Resolutions should be binding on the Government ?

A.—To a great extent they are.

Q.—In your experience were the Resolutions of the Legislative Council always practicable ?

A.—Not always.

Q.—Do you know whether Resolutions passed in the House of Commons are obligatory on Parliament ?

A.—I do not know.

Q.—You said there was a difference in the relations between the Governor and the Councillors on the one hand and Government and the Ministers on the other hand. You said that the Governor was not bound to accept the advice of the Ministers. With regard to the Councillors also, is the position not the same practically ?

A.—It may be the same but there is no harm done to them. We are supposed to be responsible to the legislature and we cannot justify our position there if our advice is not accepted and we cannot carry our point. It makes our position difficult.

Q.—I would now draw your attention to two sections : section 52 (3) :—“In relation to transferred subjects the Governor shall be guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice”. Then refer to another section 50 (2) :—“Provided that whenever any measure is proposed before a Governor in Council whereby the safety, tranquillity or interests of his province or of any part thereof, are or may be, in the judgment of the Governor essentially affected and he is of opinion either that the measure proposed ought to be adopted and carried into execution or that it ought to be suspended or rejected and the majority present at a meeting of the Council dissent from that opinion the Governor may on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure in whole or in part.” Then there is another section about written communications and so on. Apart from such difference as may be inferred from the specific language of section 50 (2) and section 52 (3), is it not a fact that the Governor can over-ride both Ministers and Councillors ?

A.—He can do that.

Q.—Would you prefer to have the power of the Governor with regard to the Ministers couched in the same language ? Would that suit you ? Would you like the relations between the Governor and the Ministers to be governed by a similar provision ? As a matter of fact have there been occasions when the Governor has over-ridden the Ministers ?

A.—He has done it.

(*Mr. Chairman*).—Q.—Have you ever been over-ruled ?

A.—Not on my side.

(*Mr. Chairman*) —Q.—Nor on the side of your colleague ?

A.—He has quoted some instances. I have not seen the papers. So, I could not tell you.

Q.—Then you said that the Minister did not receive the support of the reserved half ?

A.—They received the support but it is not right for them to depend upon it.

Q.—In paragraph 5 of your memorandum you say “As in order to hold a commanding position in the Legislature the Ministers have to depend on the support of the official bloc ; it is natural for them to appear as suppliants before the Executive Council”. Is that the fact, is it the real position of the Ministers that they have to depend on the support of the official bloc ?

A.—I have quoted some cases in which the official bloc saved us from danger.

Q.—You supported them and they supported you ?

A.—That was the convention.

Q.—If dyarchy is to work, is it not a reasonable arrangement ?

A.—It is so. It is rather humiliating.

Q.—Why did you not reject their assistance and stand on your own legs ?

A.—We had no party to support us and we were not sure as to how the voting would go. When you have a party system, then the Ministers will be in a position really to discard them, and in order to evolve the party system you must have full responsibility

Q.—Could you first develop the party system and then discard the support of the executive or could you discard the support of the executive first ?

A.—We must of course develop party system first.

Q.—You say a convention should be allowed to grow by which the official bloc of votes should not be used to support the Ministers ?

A.—That will force Ministers to evolve a party of theirs.

Q.—Do you think it a right principle to follow in the present state of things ?

A.—Not in the present state of things.

Q.—Then with regard to the Financial Department's interference, apart from the restrictions imposed by statutory rules, have you found the Financial Department interfering in an unduly irksome manner ?

A.—I did not find them do it. I say there is the possibility of their doing it.

Q.—Is it your actual experience ?

A.—No. If the Finance Member and the Finance Secretary were men of a different temperament, they might have and could have done so.

Q.—In your province the Finance Minister is in charge of other portfolios as well ?

A.—Yes, Revenue, Forests, Irrigation

Q.—And you believe naturally there will be a bias in favour of those departments ?

A.—Yes, that is human nature.

Q.—Then what is the remedy you would suggest ? There are various solutions. Would you entrust the financial portfolio to a Minister or to a Secretary ?

A.—Have a separate expert in charge who is not a member of the Government

Q.—Would you have a separate Member for Finance only ? What do you think of that arrangement ? Supposing you had one Executive Councillor in charge of Finance only just as we have here in the Government of India and without any other portfolio, would that satisfy you ?

A.—I think theoretically it would be unsound. Again there will be the same difficulty

Q.—What is the difficulty again ?

A.—He is responsible of course to the Secretary of State and to Parliament and he would naturally be inclined to favour those subjects and departments which are similarly placed

Q.—Do you say that there has been any such instance ?

A.—Not in our province. There has been, I think, in other provinces

Q.—Would you entrust it to a Minister then ?

A.—Similar objection could be raised. A Minister might be tried and so also an Executive Councillor.

Q.—I want to know what solution you would suggest. You object to the financial portfolio being entrusted to a Councillor. There would be similar objection to the financial portfolio being entrusted to a Minister. If neither solution is acceptable, would you abolish the financial portfolio and merely have a Financial Secretary ?

A.—Have a Finance Secretary or some officer in charge of Finance, who would not be responsible either for the reserved or transferred subjects.

Q.—Who will not have equal status with the Members and Ministers ?

A.—An expert authority

Q.—Will a Finance Secretary common to both departments suit you ?

A.—The Finance Secretary is at present common to both departments

Q.—Would you prefer that arrangement ?

A.—I should like to give it a trial

Q.—What would you do about the presentation of the budget ? You see the Budget has to be presented to the Legislative Council by some member of Government. Would you have a unified budget presented by some member of Government or Minister or would you have a divided budget one half presented by a Member and the other half by a Minister ?

A.—I should keep it unified and the Governor could entrust its presentation to any member.

Q.—To any Member or Minister ?

A.—Yes ; it may be left to the Governor's discretion.

Q.—But you said the Governor himself being responsible to the Secretary of State, he would have a bias towards the reserved half. Would your suspicion extend to him ?

A.—I have not found any case like that.

Q.—The remedy of a Joint Financial Secretary is suggested. Is it not ?

A.—It is in the Rules.

Q.—You know there has been a controversy about the question of a separate purse or joint purse between the two departments. Have you any decided opinions upon that question ?

A.—I should keep it a united purse. I do not think a divided purse would be workable

Q.—You are in favour of a joint purse ?

A.—Yes.

Q.—With regard to the question of responsibility in the Central Government, you say in regard to those matters in which the previous sanction of the Government of India is necessary or the control of the Government of India is necessary, it would be a different thing if such control were exercised by a responsible Minister Is not that so ?

A.—Yes.

Q.—Are you in a position to say that the control of the Government of India has been exercised in an unsympathetic or unsatisfactory manner ? Could you suggest any particular case or give any instance ?

A.—No, I could not.

Q.—It is only a general observation ?

A.—Yes.

Q.—Then with regard to the addition of transferred subjects, you suggested two or three, Local Revenue, for instance ?

A.—I want the whole of them.

Q.—You gave them as examples. Take for instance Land Revenue. Does the ryotwari system obtain in the Central Provinces ?

A.—In Berar and a few portions of the Central Provinces it does. Excised forest areas have been settled on the ryotwari system.

Q.—As regards the people in the ryotwari area, you know there is a strong sentiment, and very often agitation too, in favour of a permanent settlement ?

A.—Not in the ryotwari but in the Malguzari area.

Q.—Are in favour of such permanent settlement ?

A.—No.

Q.—But supposing a permanent settlement in the ryotwari tracts is inexpedient and supposing also that if it were transferred, the Council were likely to press for a permanent settlement and carry a resolution.

A.—I do not think so. The Council, so far as I have gauged it, is against the malguzari system and for having the ryotwari system. That feeling is growing.

Q.—Have you seen that in the Madras Presidency people are in favour of a permanent settlement ?

A.—What we desire is long term settlement.

Q.—What safeguards would you provide against the danger of a permanent settlement being pressed for and carried through ?

A.—It may be pressed, but there must be certain powers given to the Governor in such matters. He must have power of veto in certain cases.

Q.—Though you transfer the subject of Land Revenue to the Ministers, you would insist on certain safeguards against playing with the revenue ?

A.—Yes.

Q.—Similarly in regard to Law and Order, you said you saw no objection to the transfer of these departments ?

A.—No.

Q.—Supposing the administration of Law and Order suffered, who do you think would be the persons likely to suffer most ?

A.—It will be the people.

Q.—And do you think the people will be indifferent to the administration of Law and Order ?

A.—I do not think so. They would not be indifferent to the administration.

Q.—Is it likely that communal and class interests will prevail to the extent of bringing about deterioration in the standard of Law and Order ?

A.—I do not think so.

Q.—But it might deteriorate if unsuitable persons were appointed to administer Law and Order. Is it not likely ?

A.—How are you to gauge the suitability or unsuitability of the Minister ?

Q.—It all depends upon patronage ?

A.—The Governor will have to exercise his judgment.

Q.—Then you would not allow the Ministers to exercise patronage. Is that so ?

A.—At present of course we have got selection boards and they select and recommend men for appointment.

Q.—Would you seek a remedy in the appointment of a Public Services Commission ?

A.—Certainly.

Q.—You prefer that ?

A.—Yes. We have now got Selection Boards for every Department and they select the candidates and recommend them. Government is not bound by that selection. They are merely advisory boards, but still there has been a good deal of improvement.

Q.—Is there any or no abuse of patronage ?

A.—A certain amount of patronage is unavoidable.

Q.—You have said that there are no parties. Can you give an explanation as to why there have been no parties ?

A.—We have not got any well-knit parties.

Q.—No strong party ?

A.—None.

Q.—Can you explain why there has been no strong party ?

A.—It is a question of Government versus the people. The struggle is of a people to take away from the British part of the Government those departments which have been kept as its special preserves. The object in view is the same, though methods differ.

Q.—So you think the whole thing is due to the fact that it is all supposed to be a question of fighting the Government ?

A.—Fighting the Government and getting more powers.

Q.—And upon that point all classes and parties are agreed ?

A.—Yes.

Q.—Supposing full responsibility were introduced, do you think that would help the organization of parties ?

A.—I think so

Sir Arthur Froom—*Q.*—Mr. Chitnavis, I want to ask you just a few questions. I come to your summary at the end. Is it your idea that your proposals as summarised should be introduced forthwith ?

A.—The main proposals or the last two.

Q.—You have made a summary at the end of your Memorandum.

A.—Yes. Full autonomy and power over the purse are the main demands. Under these Ministers will get more freedom of action.

Q.—Your idea is that those two should be introduced ?

A.—Yes.

Q.—Then you go on to No. 3, namely that the powers of Ministers should be enlarged. Do you mean to apply to them what you said in paragraph 15, that the executive Government should be abolished at an early date ?

A.—Yes

Q.—And then your province would be governed by Ministers or Ministry with the Governor acting with them.

A.—Yes.

Q.—How would your Ministers be appointed ? Will they be elected by the Council ?

A.—They may be selected out of a panel to be given by the Council. That will probably be more satisfactory.

Q.—Who would elect the panel ?

A.—The Legislative Council will have to suggest a panel and the Governor to select out of it.

(*Sir Muhammad Shafi*)—*Q.*—Does that system obtain in any country ?

A.—I have no knowledge.

Q.—Supposing a resolution against this Ministry were passed, would you expect them to resign in a body ?

A.—Yes, certainly.

Q.—Do you know of any country where the Executive Government resigns when resolutions are carried against it ?

A.—I cannot tell you. I am not a constitutional scholar.

Q.—At any rate you expect your Ministry to resign if a Resolution is carried against in the Council ?

A.—Yes

Q.—It may be any resolution ?

A.—It must be an important resolution affecting their policy. There may be certain other resolutions which will not necessitate their resignations at all.

Q.—You do not know of any country where a resolution being carried against the Executive Government caused that Executive Government to resign ?

A.—No. I cannot say.

Q.—Supposing the Ministry brings forward some administrative Act which is rejected by the Council, then the Ministry resigns again ?

A.—The Ministry will be required to have a substantial backing. Without a backing and without a party behind them they will not be able to carry on.

Q.—Do you think you will have frequent resignations of the Ministry ?

A.—I do not think so.

Q.—With regard to your proposal for the Government of the Central Provinces, would you suggest that the Governor should retain the power of veto ?

A.—Yes ; he requires certain powers.

Q.—And also powers of certification ?

A.—Of course, yes, but very limited

Q.—Then you say that you want the Ministry responsible to the Council and you also want the Executive Council to be done away with. So, in effect, the whole of the great Province of the Central Provinces would be governed by its Council. Are you prepared to entrust the Government of the Central Provinces now to the present Council of the Central Provinces ?

A.—If it changes its present policy. It will make some mistakes but will learn by experience.

Q.—You do not think that it will be better to learn on under the present arrangement ?

A.—The present arrangement does not afford a congenial soil for learning the art of administration. It is impossible to emphasize too strongly the serious disadvantages to the public good of setting up a dual administration which places constantly before the people the British element and the popular element of the Government as opposing factors.

Q.—You say in your memorandum that they have learnt something. Don't you think that they might learn more before an extreme step is taken ?

A.—At every stage the present system leaves a greater ill-feeling than before.

Q.—So you think it is better to introduce the new system of Government at once ?

A.—Yes.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Chitnavis, you are not by profession a lawyer ?

A.—No.

Q.—You have been for nearly 30 years of your life a servant of the Government ?

A.—Yes.

Q—And you rose to be a Deputy Commissioner ?

A—Yes.

Q—And I take it that you are one of the biggest landholders in the Central Provinces ?

A—Fairly big.

Q—So that I take it that you have very substantial stake in the Central Provinces ?

A.—Yes

Q—As a rule you have not been accustomed to interpret laws ? Not even as a Deputy Commissioner in the Central Provinces ?

A.—I have exercised judicial functions.

Q.—I suppose a District Magistrate in the Central Provinces has got to do a great deal with the Indian Penal Code and the Criminal Procedure Code but very little with the Government of India Act. He had very little to do with the constitutional questions ?

A—Quite so

Q.—Now I take it that you were at one time very fond of dyarchy and such little love as you had for it has gone now ?

A—Quite so.

Q.—May I take it that that is not merely your feeling but the feeling of the intelligentsia in the province ?

A.—Yes.

Q—Will you please tell the Committee what has been exactly the relation between what is called the intelligentsia and the masses there during the last three or four years ?

A—There has been no conflict between them.

Q.—I am putting to you point blank. It is sometimes suggested that there is a very wide gulf which divides the intelligentsia from the masses. Is that the position now ?

A—I do not think that is the position now.

Q.—Then am I to take it that the general feeling among the political classes—the Swarajists, the No-changers, the Liberals, the Independents and the Non-descripts in your province is that dyarchy must go ?

A—Certainly.

Q.—You said in reply to the Chairman that you went out because there was a vote of no confidence passed. Was that a censure on the Ministers personally or was that the way which the Council adopted of expressing its dissatisfaction with the present system ?

A—The majority of Council said it distinctly that the motion was not an attack against the Ministers personally but it was against the system of which they were a part.

Q.—So there was no personal censure ?

A.—That was what the majority party said.

Q.—Now you spoke of joint consultations in your Cabinet in the Central Provinces. May I know what was the practice so far as the circulation of files in your Government was concerned? Did the Ministers get the files on matters relating to the reserved department which came up for discussion at a joint meeting?

A.—Certain files did come. When a file was marked for a Cabinet meeting, it was sent to us. These files were circulated. Every file relating to the reserved department was not circulated.

(*Mr. Chairman*)—*Q.*—The files were circulated in every case in which there was to be a Cabinet meeting?

A.—Yes.

Q.—So that you did not go to the Cabinet meetings without preparation?

A.—No. On some occasions however as, for instance, the appointment of a Judge in the Judicial Commissioner's court, the file was not circulated to us, but the Governor asked for our opinion.

Q.—Was that practice in existence from the very beginning or did it come into vogue at some late stage?

A.—It was from the very beginning.

Q.—And it lasted right up to the last moment?

A.—Yes. In some cases, very few, it happened that we were called in at certain stages and not at others. The Governor used his discretion.

Q.—What I want to know is whether the subjects relating to the transferred subject also came up for discussion at these meetings?

A.—Yes, in certain cases.

Q.—So that most of the subjects that came up for discussion were really subjects relating to the reserved half of the Government?

A.—Yes.

Q.—Did you or your colleague ever ask the Governor to treat you and him as jointly responsible for the transferred half?

A.—No.

Q.—Why not?

A.—So far as my departments were concerned there was need for joint deliberation on two or three occasions and this was done.

Q.—Apart from your relations with the Governor, did you or your colleague ever jointly consult each other?

A.—Not formally.

Q.—Would you hold the Governor responsible for that?

A.—Certainly not.

Q.—Did you and your colleague belong to the same political party?

A.—I belong to the Liberal Party. He is, I believe, an independent.

(*Mr. Jinnah*)—*Q.*—Cannot you tell even now after having worked together for three years?

A.—It is rather difficult to say.

Q—I want to know whether it was due to incompatibility of temperament or whether it was due to differences in political principles that you and your colleague could not evolve for yourselves the joint cabinet meeting system of consultation ?

A—You may put it to the difference in temperament.

Q—But if there had not been this difference of temperament, then there would have been nothing to prevent you from consulting him ?

A—None

Q—Now in point of fact you will agree with me that, as the law stands at the present moment—and if I am wrong please contradict me—there is nothing to prevent the Governor from selecting his Ministers from two different parties ?

A—Nothing, at present there is nothing to prevent him from doing that.

Q—And, in point of fact that has been done at some places ?

A—Yes.

Q—May I ask you to explain exactly the position of the depressed classes in your province ?

A—There seems to be a general desire to help them in improving their position and status.

Q—Would you say that the orthodox sentiment in the Central Provinces is confined to the older generation and that the younger generation is more forward in its views and more sympathetic towards them ?

A.—That is true.

Q.—What is the political strength of the older generation ?

A—I do not think it is very much.

Q—It is disappearing ?

A—Yes.

Q.—We heard last year in Nagpur a great deal about a resolution which was stated to have been passed in your Council to the effect that certain members of the depressed classes should not be allowed to draw water from joint wells. Will you please tell the Committee whether any such resolution was passed. If so, at whose instance it was passed and what was the attitude of the educated classes with regard to it ?

A.—I have. I must confess a bad memory, I cannot give a reply without referring to the Council proceedings.

Q.—Is there any means by which you can find that out ?

A—Yes I tried to get hold of the proceedings, but I found the Library closed.

Q.—Could you tell us what was really the attitude of Brahmins in your Council towards this resolution ?

A.—They were on the whole in favour of the use of public wells by the depressed classes.

Q.—All the Brahmins were in favour of it or some of them ?

A.—Most of them were in favour of it. The resolution was, I think, about the use of public wells and the places of public worship. The resolution contemplated the admission of members of the depressed classes into temples. The resolution was moved by the members of the depressed classes. There are two nominees of the depressed classes in the Council and the resolution was brought forward by them.

Q.—What was the result ?

A.—I could not tell you from memory.

Q.—What I want to know is whether the Brahmins supported the depressed classes in their demand ?

A.—My impression is that a majority were in favour of the use of wells by the depressed classes. There are probably some difference as regards places of worship.

Q.—So far as the admission to the temples is concerned, you will — probably admit as a Hindu that that bar is not only against the depressed classes but against certain other classes of Hindus and other communities too ?

A.—Yes. I believe in Madras there is a good deal of trouble about this. In one place I am told my caste people have had to build a separate temple for themselves.

Q.—Admission into places of public worship among Hindus depends upon quite other considerations ?

A.—Yes. About public roadside wells, there are no restrictions. In villages, however, objections do exist.

Q.—Is there any objection to the members of the depressed classes passing through the streets in your province ?

A.—There is nothing of that in my province.

Q.—Or travelling in the same compartment ?

A.—None.

Q.—Or to their attending the same schools ?

A.—None now. They now get admission in all schools. Objections, were raised, a few years back, but now free admission is granted. During the last session a resolution was passed granting special concession as regards admission into the Government High School at Nagpur.

Q.—Is there any demand for further representation by election among the depressed classes in your province ?

A.—Yes.

Q.—You think that if nomination in their case was done away with and certain seats were thrown open to election, they would be able to give a good account of themselves ?

A.—I think so.

Q.—What is exactly the position of the Muhammadan community in your province ?

A.—They have got separate representation in the Council but not on

Q.—And not on the local bodies ?

A.—No.

Q.—Is there any movement for getting separate representation in bodies among Muhammadans ?

A.—When the Municipal Act was under debate and discussion in Council that question was raised, but I believe it was subsequently n up.

Q.—Will you please tell me what has been the general relation between the Hindus and Muhammadans in the C. P. as a whole during the three years ?

A.—There has recently been conflict in Nagpur, but in the rest of province I have not heard of any differences. The conflict relates to playing of music in front of Mosques.

Q.—But before that what was the state of things ?

A.—The relations were on the whole cordial and friendly.

Q.—The relations were on the whole cordial and friendly ?

A.—Yes.

Q.—What was the general attitude of the Muhammadan members the Council towards the Ministers ?

A—I think they were very cordial and helpful.

(*Mr. Chairman*).—In fact, you had a Muhammadan colleague.

Sir Tej Bahadur Sapru.—Not in the last Council.

Q.—You said in reply to some questions that you did not think that proper party system could grow up under the present system. May I t it to you whether it is not the fact that the ministers in your province also your supporters suffered in popular estimation because rightly wrongly they were supposed to be associated with the Government in regard to their policy of Law and Justice ?

A.—Yes.

Q.—That is the fact ?

A.—Yes.

Q.—And am I right in assuming that whatever may be the number of objects that may be transferred you cannot possibly develop in this untry a true party system unless you first of all transfer Law and stice ?

A.—Yes, I think so.

Q.—It would be quite impossible to develop a party system. I suppose that is because the average man comes directly into touch with the ministration of criminal justice in this country ?

A.—Yes.

Q.—And he judges of the Government by that ?

A.—Yes

Q.—Will you tell me one thing more ? As regards the transfer of the land revenue department you, as a malguzar and a big malguzar too, do not apprehend any serious danger to your interests as a malguzar or to the community of malguzars if that subject can be transferred ?

A.—I think we shall be able to look after ourselves.

Q.—And what about Forests ?

A.—Well, I do not think there can be any difficulty. They are in Bombay managed by a Minister and I do not think that any difficulties have arisen, or any mismanagement or maladministration has been discovered.

Q.—Will you please tell me whether you have given any consideration to section 19A of the Government of India Act ?

A.—Not very much perhaps. I am not a lawyer and I have not been a lawyer.

Q.—May I in this connection remind you of the speech of Sir Malcolm Hailey in the Assembly last February or March ?

A.—I have read it, but I do not remember now exactly what Sir Malcolm said.

Q.—The point of view which he put forward before the Assembly was this. It is impossible to take action—for the Secretary of State to take action—under 19A unless we get complete responsible government. I hope I am not doing any injustice to Sir Malcolm Hailey, but that was the substance of it. Now, do you agree with that view ?

A.—For that reason, we want complete responsible government.

Q.—And when you get complete responsible government there will be no occasion for the Secretary of State to take action under section 19A.

A.—I think not.

Q.—May I in this connection draw your attention to section 131 of the Government of India Act ? Having considered these two sections, will you kindly answer this question of mine ? Whatever the Secretary of State may do under section 19A, he cannot extinguish himself ?

A.—No.

Q.—Or his powers ?

A.—No.

Q.—That is to say, as Sir Malcolm Hailey pointed out, under section 19A no action could be taken by the Secretary of State so long as the present constitution lasted ?

A.—Quite so. I think that is the position.

Q.—There are two more questions I should like to put to you. I suppose your Council at some stage passed a resolution suggesting or recommending that the Commissioners should be abolished ?

Q.—What happened to that resolution ?

A.—That has not been given effect to.

Q.—Why not ?

A.—The Government is of opinion that they are needed and that it cannot make out a strong case for the abolition of these posts. They will be needed in some form or other. I believe the Retrenchment Committee are in favour of retention of some of them. The public feeling is not altogether in favour of the abolition.

(*Dr. Paranjpye*).—*Q.*—As a Board of Revenue ?

A.—Yes, as a Board of Revenue.

Q.—You said that you would like the number of non-votable subjects to be reduced and you particularly referred to the item dealing with salaries.

A.—Salaries, appointments.

Q.—What exactly do you mean there by salaries ? Would you include travelling allowances also and many other allowances ?

A.—Yes.

Q.—That is to say, will you please formulate your answer ?

A.—There are various allowances which were objected to by the Council and the Retrenchment Committee also I believe recommended that they should be abolished, but no action has been taken with regard to them.

Q.—But so far as general salaries are concerned, you would probably be prepared to give protection to the public servants ?

A.—Certainly.

Q.—But you would not give an extended meaning to the word "salaries" ?

A.—No.

Q.—Then I take it that your position generally is that you want what is generally called provincial autonomy ?

A.—Yes.

Q.—Would you have provincial autonomy in the provinces controlled by an irresponsible executive in the Government of India ?

A.—No.

Q.—Then you would go the whole hog ?

A.—Quite so.

Q.—Then do you think that the present situation in the C. P. which has practically removed the ministers would have arisen if you had at an earlier stage resigned your office ?

A.—I do not think so. It would have been the same thing. Even if I had resigned before the resolution on the vote of confidence, was moved or immediately after that, the situation would have been the same so long as dyarchy continued.

Q.—Do you find any change in the attitude of the Members of the Council who were practically responsible for your expulsion ?

A.—There has been no occasion to gauge it. We have had no meeting of the Council since. I do not think there has apparently been no change. The majority party are still against dyarchy, I think.

Dr. Paranjpye.—Q.—You have told us that your two Ministers were practically independent of each other ?

A.—Yes.

Q.—And there was no joint consultation between you two ?

A.—None to speak of.

Q.—Have you heard of the state of things in Madras where Lord Willingdon asked one man to select his own Ministers ? He appointed one as Chief Minister and asked him to select his colleagues ?

A.—That is what I have heard.

Q.—Do you think that if such a practice had been followed in the C. P. it would have led to a better state of things ?

A.—Probably, it would have been.

Q.—What I want to know is this. If there had been a Chief Minister and he had been asked to select his colleagues, then is it not possible that he would have selected such colleagues that all of them together might have been able to command a majority in the Council ?

A.—I have my doubts, but that is the right procedure, and I would add that the nominations of non-officials ought to be made in consultation with the Ministry.

Q.—That might have been somewhat better, there was a greater possibility....

A.—That is, the Governor should have consulted one Minister, first selected one, and asked his advice as to his colleagues. He could have given several names and then the Governor could have selected one of them.

Q.—In that way you think that a majority might have been more easily obtained ?

A.—Yes.

Q.—You said you yourself had no definite majority in the Council ?

A.—None.

Q.—Apparently, Mr. Kelkar had no definite majority in the Council ?

A.—I do not think he had.

Q.—Do you think you two together could have commanded a sufficient number of votes to be in a majority ?

A.—We might have.

Q.—Supposing you two had worked amicably together as joint ministers, you were consulting each other on all important matters, at least, in an informal way, do you think you would have been able to command jointly a majority to support you on any line of policy which you had decided upon ?

Q.—There is one difficulty which suggests itself to me however. It is this. You would have a certain number of supporters. Those supporters obviously would have wanted your advice as to the line of policy to be followed on various questions. You might give them certain tips as to the line of policy to be followed on transferred subjects. But would they not have accepted your advice on reserved subjects also ?

A.—Yes, they might have

Q.—And now under the present system of dyarchy would it have been possible to give them advice on reserved subjects ?

A.—No.

Q.—So that, although you might have been able to command a majority on the transferred subjects you would not have been able to get a majority on the reserved subjects ?

A.—No.

Q.—Has it been your experience that the attitude of the Legislative Council, I am talking of the last Legislative Council, towards transferred subjects was rather different from their attitude towards reserved subjects ?

A.—After a year or so, there was a great distinction.

Q.—They were prepared to give you a little more latitude, treat you rather more kindly ?

A.—When they realised the position of the transferred subjects and also the position of the Ministers, there was a change in their attitude.

Maharaja of Burdwan.—*Q.*—What I would like to ask in connection with this is was not that attitude regarding reserved subjects more marked when it came to any question regarding political matters or law and order. Supposing it was a matter of the Irrigation Department's canalisation of a particular tract, the Legislative Council's attitude towards that matter of the reserved subject was more or less like the attitude it had towards the transferred subject but the attitude was more marked when it came to a question of a political nature ?

A.—Yes, about Law and Justice, about appointments and such questions.

Q.—Do you think that when you voted with the executive Government on reserved subjects, even though it may be against your own personal opinion, it was resented by the members of the Legislative Council ?

A.—It was.

Q.—Did you ask the Governor to excuse you from voting at any time ? Did you exercise your right of abstention ?

A.—On one occasion.

Q.—As it is, the transferred subjects were rather better treated by the Legislative Council ?

A.—Comparatively they were.

Q.—If, therefore, more subjects were transferred, practically all subjects were transferred to the ministers, the Legislative Council would be more favourable and reasonable ?

Q.—Will you tell me one thing more ? As regards the transfer of the land revenue department you, as a malguzar and a big malguzar too, do not apprehend any serious danger to your interests as a malguzar or to the community of malguzars if that subject can be transferred ?

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A.—On one occasion.

Q.—As it is, the transferred subjects were rather better treated by the Legislative Council ?

A.—Comparatively they were.

Q.—If, therefore, more subjects were transferred, practically all subjects were transferred to the ministers, the Legislative Council would be more favourable and reasonable ?

A.—They will realise their responsibility and it will be brought home to them that if they took any wrong action it will have a bad effect. The present system contains no corrective to their actions. In the absence of inevitable results flowing from engendered causes public opinion as to the right or wrong of actions forms very slowly and is uncertain and telle.

Q.—You say that you were unable, and I see this from some observations of the Central Provinces Government also, that ministers were unable to reject the opinion and advice of the Governor because they did not command a majority. Suppose you had a definite policy, that you had told your supporters and non-official members that you depended entirely on them and a majority of them refuse to support you, would you resign ?

A.—I think so.

Q.—From this point of view you think that the transference of all objects would not have led to any difficulty at least in the last Council ?

A.—I imagine not.

Q.—I will ask one or two questions about the Finance Department. You make a good deal of complaint as regards the possibilities of the powers of the Finance Department. Was it a convention in your province that the objection of the Finance Department must prevail unless it was overruled by the whole Government ? Was that convention a formal convention ?

A.—I think so.

Q.—When you had any difficulty with the Finance Department the question would come before the whole Government and the whole Government probably commanded a majority on the executive side and consequently the Minister is bound to fail in his point of view ?

A.—Quite so.

Q.—That possibility may be one of your reasons of complaint ?

A.—Yes.

Q.—Did the Finance Department interfere with any cases that you put up on the merits of the case ?

A.—In one case they tried to interfere but they did not succeed, about the excise rates.

Q.—You think that the Finance Department ought to have no right to interfere on the merits of the case ?

A.—When you have settled a policy, you must go on in consonance with it.

Q.—The Finance Department has got certain rules for the management of financial business ?

A.—Yes.

Q.—Suppose you send up a scheme for the appointment of four new officers. The Finance Department considers that the scheme is not suitable. They think that the scheme ought to contain six more officers. Do you think the Finance Department should have any such power ?

A.—Of course not.

Q.—They could only tell you that they have got no money in the budget for your scheme ; in your opinion they ought not to interfere on the merits of the case as it is ?

A.—I have no recollection of any case on my side. We had no new demand. We were endeavouring to reduce the staff rather than adding to it.

Q.—In any case the working of the Finance Department led to a great deal of delay in carrying out schemes. Was it greater in the case of the transferred subjects than in the case of the reserved departments ?

A.—I have no knowledge.

Q.—There is the question about reappropriation. I want to get a little more out of you about it. When a grant is sanctioned in the budget, is it true that the sanction of the Finance Department is required for spending it ?

A.—Yes.

Q.—You cannot issue orders about the spending of grants which have been sanctioned ?

A.—Not without the consent of the Finance Department.

Q.—Did they cause any needless delay in such matters ?

A.—Not needless delay, but there was delay. There used to be certain amount of delay.

Q.—Is it true that the Finance Department can call for any papers at any stage ?

A.—Yes.

Q.—Have they often done that in your case ?

A.—Yes.

Q.—You talk about the departmental heads. In your province, I understand that several departmental heads are Secretaries to Government ?

A.—We have introduced that system. The two Chief Engineers only were formerly Secretaries for their departments. Now, the Director of Public Instruction and the Commissioner of Settlements have been added.

Q.—What is your opinion about this ?

A.—There are both advantages and disadvantages about that system. You save a certain amount of expenditure in clerks and all that in the Secretariat. At the same time they get access to the Governor and they can, if they want to, get your orders upset.

Q.—How often has it happened ? Has it happened frequently often when the departmental heads went to the Governor over your head ?

A.—The Secretaries have got to go to the Governor once in a week. They take all the important files and a monthly abstract of decided cases is put up to His Excellency, and if he likes he makes remarks on the abstract or in the cases which are put up by the Secretary.

Q.—Does the Secretary tell you of the cases he is going to take to the Governor ?

A.—Not till after they have been seen by the Governor.

Q.—Is there a rule like this, that the Secretary must report to the Minister ?

A.—He goes on his allotted day and shows the Governor the cases that have been disposed of and which have not been seen by the Governor before.

Q.—He does not tell you beforehand ?

A.—Not necessarily.

Q.—Could you refer to your rules and find out ?

A.—I have not got them here at present.

Q.—Were there many disputes about postings and transfers ?

A.—Not in my departments. Mine were minor departments in the transferred half.

Q.—What is your opinion about the starting of a Public Services Commission for the making of appointments. Do you think the Ministers want to have the patronage in their hands ?

A.—It is better that this is done by an independent body.

Q.—Would they like to hand it over to an independent body like the Public Services Commission ?

A.—I think so.

Q.—What is the best policy ?

A.—An independent body would be preferable and save the Ministers from the charge of favouritism.

Q.—Have you had any cases during your time of administration about racial questions in the matter of appointments, Indians *versus* Europeans ?

A.—We have been trying to Indianise in the Agricultural Department for instance. Whenever there was a vacancy we tried to obtain a qualified Indian and we did succeed in the four cases that I had in my time. We wrote to the Government of India to select men for the vacancies, and the selection board at Pusa made the selections.

Q.—Did you have any difficulties with your heads of departments ?

A.—The heads of departments came to realise in time that Indianisation was the policy and they came round and agreed to taking in Indians.

Q.—Apparently you have not made any new appointments in the Imperial services, nor created fresh appointments ?

A.—We had neither money nor any necessity for it.

Q.—You had no opportunity to make a reference to the Secretary of State ?

A.—Yes. One post we abolished in the Co-operative department.

Q.—Were there any meetings of the Governor and the Ministers alone ?

A.—I do not think there were.

Q.—Have you any idea as to how often the Governor and his Executive Council used to sit ?

A.—I could not tell you.

Q.—How often did the meetings of the joint Cabinet take place Once a week ?

A.—Whenever occasion arose.

Q.—Could you make a note on the file that a subject should be considered in a joint meeting ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Whenever you suggested a joint meeting effect was always given to your wishes ?

A.—Yes.

Q.—How often did you claim joint meetings ?

A.—Probably in one or two cases.

Q.—You told us that you noted on the files ?

A.—Only in those cases that were circulated.

Q.—Had you the right to ask for a joint meeting ?

A.—Whenever we thought it was advisable, we asked for a joint meeting. Mr. Kelkar in two or three cases noted that the whole question should be considered in a whole cabinet.

(*Mr. Chairman*).—*Q.*—The request was never refused ?

A.—No.

Q.—You wrote it on the file or communicated with the Private Secretary ?

A.—We have no Private Secretary in our Province. It had to be written on the file.

Q.—Now, as regards Governor's control over reserved subjects and Governor's control over transferred subjects, don't you think there is great deal of difference between the two ?

A.—Yes, I think so.

Q.—In the one case the Governor has ordinarily to accept the opinion of the majority of his Executive Council and if he wants to overrule it he has got to make a special note about it and the members of the Executive Council could record their Minute against it ?

A.—Quite so.

Q.—In the case of the Transferred Departments, don't you think it would be useless to record the Minute of dissent, because the proceedings in the case of the Executive Council have got to go to the Government of India and the proceedings in regard to the Transferred Departments do not go to the Government of India ?

A.—Yes.

Q.—So it would be futile to make a record of the Minute ?

A.—Yes.

Q.—And moreover is the opinion on transferred subjects, in the Council arrived at by a vote of the two Ministers or by a single Minister ?

A.—By a vote of the Ministers.

Q.—The vote of the two Ministers is taken together ?

A.—Yes.

Q.—If a question of a transferred subject came to a joint meeting and a decision had to be reached, did the Governor tell you after discussion that he would himself tell you what course was to be followed ?

A.—Yes.

Q.—He did not take the votes of you two ?

A.—No. He saw what our views were.

Q.—Whom did the Governor usually support when a Secretary took a case over your heads to the Governor ?

A.—He generally accepted my view.

Q.—You have been telling us that there has been a great deal of financial stringency. I will just put up a hypothetical question. Supposing there had not been this financial difficulty and you had a fair amount of money to spend on new schemes, do you think dyarchy would have fared better ?

A.—In some subjects it might have, not in others, in my province.

Q.—The same impasse would have arisen even then ?

A.—Yes.

Q.—So you think that on the whole no small measures would ease the situation. You think practically all the subjects must be transferred ?

A.—Yes.

Q.—My last question is about the reconstitution of the Central Provinces. Do you think that the present constitution of the Central Provinces is satisfactory ?

A.—It is not satisfactory to some people. Generally there is a conflict between Berar and Central Provinces and between Mahiratta Central Provinces and the Hindi Central Provinces. But you could not reconstitute it without incurring an increase in the cost of administration. The question will have to be carefully gone into.

Q.—Do you think it is absolutely necessary ?

A.—I think not.

Mr. M. A. Jinnah.—Do you consider the electorate or electorates in your province competent to select representatives of proper calibre ?

A.—On the whole they are. There can be no complaint as to the calibre of the representatives. But they are pledged to a certain policy, and that is a different thing. Some good men have no doubt been kept out on the ground that they had co-operated too much with the bureaucracy.

Q.—What I want to know is this. You see it is said that the electorate is not literate. It is illiterate. That is what is said. It is a fact that the percentage of literates in the electorate is a very small one. Is not that so ?

A.—In the rural areas it is so.

Q.—Generally the percentage is not very much ?

A.—No.

Q.—Do you think that there is a sufficient element of literate voters who are competent to return proper representatives ?

A.—Yes, that is what I said. They are intelligent enough to understand what is to their interest.

Q.—My next point is this I think you went to the Council during the first election after the Act of 1919 ?

A.—Yes.

Q.—I want to know this from your own personal knowledge. Is it or is it not a fact that a large body of voters did not vote because they pursued the policy of Non-co-operation ?

A.—Yes, it is a fact

Q.—And had they voted they would have certainly returned better men than those that got in the first election ?

A.—Yes. Some of the men who had got in would not have been these.

Q.—And the next election might show still better men ?

A.—We have got at present men with proper educational qualifications.

Q.—Now, it is said that the second election has sent men who have adopted an irresponsible policy. What is their attitude ? Is that any responsible attitude or because they think that these reforms cannot be worked ?

A.—They think that the reforms cannot be worked and they ought to be changed.

Q.—That is so far as the electorate is concerned. Now we come to the next point. I want to know this clearly from you. Supposing certain defects or certain flaws which have been pointed out by some of the Members here, supposing they were put right to your satisfaction, would you advise this Committee to continue the system of dyarchy ?

A.—No.

Q.—Even if they were put right ?

A.—No

Q.—Then, do I take it from you that this system of dyarchy is incurable ?

A.—I think so. It has got many disadvantages.

Q.—It is incurable I want to understand this clearly. It is suggested that there is a great deal of potentiality for improving the present position. You have had several suggestions from various members, for instance, the joint consultation, then the removing of various difficulties about finance and so on. They are all small things. I want to put it to you distinctly. Supposing all that was done to your satisfaction, would you then recommend that dyarchy should continue ?

A.—No, I am against dyarchy and I should like it to be removed. I strongly advocate its removal.

Q.—You were appointed a Minister by nomination ?

A.—Yes, selection by the Governor.

Q.—Nomination. The Governor nominated you ?

A.—Yes.

Q.—When you were nominated a Minister, did you command a majority ?

A.—No

Q.—So far as your departments were concerned to whom were you responsible ?

A.—I was supposed to be responsible on the one hand to the Legislature and on the other to the Governor.

Q.—Let us go step by step. You were supposed to be responsible to the Legislative on the one hand ?

A.—Yes.

Q.—And on the other you were also supposed to be responsible to the Governor ?

A.—Yes.

Q.—I want to know how you were responsible to the Legislature ?

A.—They could pass a vote of no-confidence and they could force me to resign, if my policy did not meet their approval.

Q.—So far as the Legislature was concerned, at the most, they could pass a vote of censure ?

A.—Yes, and refuse supplies.

Q.—And refuse supplies. That is your salary of course ?

A.—Yes.

Q.—And then you would have to resign ?

A.—Yes, not necessarily under the Act. But still the right thing would be to resign.

Q.—If you chose to continue you could ?

A.—I think so, so far as my reading of the Act goes.

Q.—Notwithstanding the vote of censure if you chose to disregard it you could continue ?

A.—Yes.

Q.—If you displease the Governor ?

A.—He could dismiss me.

Q.—Instantaneously ?

A.—Yes.

Q.—In one minute ?

A.—Yes.

Q.—What is the total number of elected members in your Council ?

A.—55, I think.

Q.—And the officials, nominated officials ?

Nominated officials are 8 and nominated non-officials 8 or 9.

Q.—Now, look at the sections of the Government of India Act about the Minister. Section 46 is the first. That section says that government in relation to transferred subjects shall be by the Governor acting with ministers appointed under this Act ?

A.—Yes.

Q.—What is the position of the Minister ? Is he his colleague ?

A.—He is an adviser. The settlement of policy in the transferred subjects does not really rest with the Minister. The ultimate authority rests in the Governor.

Q.—Supposing we gave him a glorified name, Minister in charge of a Department. Look at section 52, clause (3), which says :

“ In relation to transferred subjects, the governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice.”

Therefore in practice he is a mere adviser. That is all ?

A.—It seems to me that he is an adviser. The Governor may accept or he may not accept the advice.

Q.—If your view is not accepted by the Governor and if you do not agree with the Governor then the only course open to you is to resign ?

A.—Yes.

Q.—And if you do not resign and if the Governor does not agree with you and the Legislature is of the same opinion, you will get a vote of censure ?

A.—Yes.

Q.—That is your position ?

A.—Yes.

Q.—It is rather precarious, very precarious ?

A.—Yes, it is.

Q.—It was said that there is no party ?

A.—There was no well-defined party in the last Council.

Q.—I want to know whether there can be a party under the present institution ?

A.—There is at present no room for more than one party.

Q.—And that only party is the opposition party to Government ?

A.—Yes.

Q.—There cannot be any other party ?

A.—I think not.

Q.—And the party which opposes the Government only differs as to methods ?

Q.—One party tries to persuade Government, one tries to obstruct Government and so on ?

A.—Yes.

Q.—Now, I do not quite understand your paragraph 18 which sums up. You say "The Ministers be emancipated from a great deal of control over them reserved to the Governor" and so on. Does that assume that if all that was done you do not mind dyarchy or what ?

A.—I have already said above in para. 16 that you may do all this but still we will not be satisfied. What we want is full provincial autonomy.

Q.—Now it was put to you—I think by Sir Arthur Froom—whether you want this to be done immediately and I think you said "Yes". Do you know that what you want us to do involves the amendment of the constitution of the Act ?

A.—Yes, I know that.

Q.—And you say that, if necessary, that should be undertaken ?

A.—Yes.

Q.—I want to ask you one question which I ought to have put to you before. Supposing you had complete autonomy granted to your province, do you think that the commercial interests or any other interests will be secure under that system of Government or not ?

A.—I think they will be quite secure.

Q.—Will there be the slightest risk to their security in your province if full autonomy was granted ?

A.—I do not think there will be.

(*Dr. R. P. Paranjpye*).—*Q.*—You accepted the Ministership three and a half years ago. You had certain ideas about the way in which this Act would be administered and certain ideas about the way in which you would have to work. Do you think that during the last three years those ideas have been changed ?

A.—They have been considerably altered.

(*Dr. R. P. Paranjpye*).—*Q.*—So you are disappointed in your expectations ?

A.—Quite.

Sir Muhammad Shafi.—In reply to the Chairman you said that you would make the salaries of the services voted. Does that statement apply to services administering the transferred departments or also to services administering the reserved departments ?

A.—It applies to all the departments.

Q.—You said that you would transfer even Law and Order. Does that statement of yours apply to all provinces or only to your province ?

A.—I am telling only of my province. I have no experience of other provinces.

Q.—You said that these troubles in Nagpur between the Muhammadans and the Hindus are only recent.

A.—There was trouble some years ago but there was no trouble after

Q.—What are these troubles due to ?

A.—The dispute is about playing music in front of mosques.

Q.—The trouble is the same as we had in Panipat, Ajmere and other places ?

A.—Yes.

Q.—Have you heard of the Shuddi movement ?

A.—Yes, I have.

Q.—And also of the Sangatan movement ?

A.—Yes.

Q.—Are they not of recent origin too ?

A.—Probably they are.

Q.—And the troubles that we had recently in Delhi, Cawnpore and Nagpur and other places had all occurred after the Shuddi and Sangata movements were started.

A.—The Shuddi movement did not extend to my province, until after the present trouble arose. There have been a few re-conversions but none since then.

Q.—In reply to Sir Sivaswami Iyer you said that paragraph 1 of your statement submitted to the Committee represented the views of supporters of dyarchy and that your own views were embodied in paragraph 15 where you say that dyarchy must go.

A.—In paragraph 1, I have given the arguments of those who justify dyarchy.

Q.—Did you form this opinion that dyarchy must go while you were a Minister actually a member of the dyarchy as the result of your own personal experience ?

A.—Yes.

Q.—At the time when you were Minister ?

A.—Yes.

Q.—Did you hold this view when your local Government asked you to submit a memorandum embodying your views regarding the constitutional changes ?

A.—I had not all the papers with me and therefore I sent them only my views about the constitutional aspect of dyarchy.

Q.—You have told me just now that you form this view that dyarchy must go as a result of your own personal experience when you were Minister. The Local Government asked for your views now after you had completed your three years of office and had ceased to be a Minister. My point is : Did you hold this view that dyarchy must go at the time when the Local Government asked you to submit the memorandum ?

A.—As I understood the scope of that reference, I thought that the only proposals wanted were for the amendment of the present system. That is how I understood the reference.

Q.—Therefore you expressed no opinion as to whether dyarchy should go or not ?

Q.—May I invite your attention to the last paragraph of your written statement to your local Government. This is what you say in the final paragraph of your memorandum submitted to the Local Government : “ Perhaps dyarchy is a clumsy weapon for forging a system of complete Government ; but still I should think it has given us some training. During the last few years the country has received immense political awakening. The electorate, though still ignorant and lacking in public spirit, is not quite so backward as it was three or four years ago. The franchise can now be extended and the electorate widened. With a wide electorate more powers can be entrusted to the representatives of the people in Provincial Legislatures. Only in that way can the anomalies inherent in a system of dyarchy be removed, and Ministers entrusted with powers commensurate with their responsibilities.” Now I put it to you that in this paragraph you suggested a definite remedy for the removal of anomalies inherent in dyarchy and expressed not the slightest indication of your view that dyarchy should go.

A.—As I said, I understood the reference to mean that we had only to point out the defects in the present system and not give an opinion as to whether the present system should remain or go.

Q.—So you pointed out the difficulties so far as dyarchy was concerned and suggested the remedy for it ?

A.—Yes.

Q.—At that time in your view the defects in dyarchy were remediable and in consequence you suggested the remedy ?

A.—Some improvements in the present system, are possible, but they would not go to the root of the question.

Q.—In reply to another question by Sir Sivaswamy Iyer you said that at the time of the first election owing to non-co-operation Chamaras and ignorant men were elected, but that is not the position now. And in reply to a question put to you by Mr. Jinnah you stated that the electorate now has given its representatives as is shown by the result of the last election ?

A.—They have returned educationally better representatives.

Q.—Your Local Government in their memorandum speaking on this matter say : “ It was anticipated that, while the new Council will prove to be more advanced in views, it would contain a greater number of men of ability. The latter anticipation has not been fulfilled.” Do you endorse that statement ?

A.—The ability of several of the new men has yet to be tested. Being committed to a certain policy their ability as regards constructive work is untested.

Q.—Do you mean to tell the Committee that as a result of the last election the best men in your province have been elected to the Legislative Council ?

A.—Fairly good men have come in. They are generally graduates and pleaders.

Q.—In reply to Dr. Sir Tej Bahadur Sapru you stated that there was no personal want of confidence in the Ministers. The Swarajist action was against the system ?

Q.—If there was no want of confidence in the Ministers why did the Ministers resign ?

A.—I could see no good in sticking on to office under existing conditions.

Q.—You know that according to the ordinary constitutional practice of every country a Minister is called upon to resign when a vote of want of confidence has been passed by the Legislature in so far as he is concerned. We were told that this action of the Swarajists was not due to any want of personal confidence in the Ministers. It was merely because they were not satisfied with the system. If that is so, if the Swarajists and non-Swarajists had personal confidence in the Ministers why did the Ministers resign ?

A.—They had no confidence in the Ministers as part of the present system. Without money no useful measures could have been adopted. There was nothing left but ordinary routine work, and even that might have been obstructed.

Q.—In so far as the Council is concerned, measures taken by Ministers for the administration of their department would come before the Council only when there is a Bill relating to that department, or at the time of the budget when supplies are to be voted ?

A.—Yes.

Q.—During the year unless there is a definite measure brought forward before the Council the Ministers can carry on ?

A.—Bills were brought before the Council which were thrown out. There were three Bills thrown out by the Council,—the Primary Education Bill, the Opium Bill, and a third Bill.

Q.—In reply to Dr. Sapru, again, you said you cannot have a party system unless you transfer Law and Justice. That is a mere statement. Will you kindly give me your grounds in justification of that statement ?

A.—Unless Law and Justice is also transferred there cannot be full provincial autonomy.

Q.—Dr. Sapru put to you a leading question, and in reply to that you said ‘ Yes ’. The statement was you cannot have a party system in the Legislative Council unless you transfer Law and Justice. That was your statement. Can you give your grounds in justification of that statement ?

A.—A partial transfer would still operate powerfully to make the differences of opinion that arise between the people and that part of the Government which is known as British. At every stage a greater ill-feeling will be left than before.

Q.—What has that to do with the creation of a party system ?

A.—Without full responsibility it will not be possible to evolve a party system on right lines.

(*Mr M. A Jinnah*).—*Q.*—If you transfer Law and Order you transfer everything ?

Q.—Is there not a Swaraj party in the Legislative Council ?

A.—Yes, but that is for a different purpose at present.

Q.—Is there not a landlord party in your Council ?

A.—None.

Q.—Is it essential to transfer Law and Justice in order that a party representing landlords should turn up ?

A.—No.

Q.—That is a matter relating to the government of the Province. My point is, how is the transfer of any subject essential to the creation of a party system ?

A.—I have formed that opinion

Q.—In reply to Dr. Paranjpye you said that the Finance Department can call for any case at any stage ?

A.—Anything relating to finance ; not every case.

Q.—You told the Committee that during the three years you were a Minister in the C. P. the Governor and his Ministers never met together in connection with any matter ?

A.—I do not think we met purely in connection with a transferred subject.

Q.—What I would like to know is this. On any occasion did any one of the two Ministers suggest to the Governor that there should be a joint meeting of the two Ministers and the Governor and he refused ?

A.—I cannot remember any such case.

Q.—I want to ask you one or two questions apart from what you have already stated. The views contained in paragraphs 10 to 15 of your memorandum concerning what you describe as restrictions of higher authorities are, I presume, a result of the belief that removal or relaxation of control of higher authorities is essential to the development of constitutional government ?

A.—Yes. I do not say that all of them should be removed, but they should be curtailed.

Q.—You consider relaxation essential to the development of constitutional government ?

A.—Yes, for the development of full responsibility.

Q.—And that is the reason why you have put forward those views ?

A.—Yes.

Q.—Do I understand that you advocate complete removal, for instance, of the Secretary of State's.....

A.—His control I think ought to be removed.

Q.—Complete ?

A.—To a very great extent.

Q.—Is it relaxation you contemplate or complete removal ?

A.—We ought to have I think complete removal.

Q.—Is that consistent with what you have said in another part of our statement on foreign affairs, affairs relating to Indian States and defence ?

A.—That is in connection with the Central Government, not with regard to the provinces. My statement is with regard to the provinces.

Q.—Your statement excludes Indian States ?

A.—Yes.

Q.—The Central Government will have to have control of these three. But have any Provincial Governments anything to do with foreign affairs ?

A.—No. I am not talking about that.

Q.—Then you think that in regard to these three subjects the control of the Secretary of State over the Government of India should continue ?

A.—Yes.

Q.—Until full responsible government is granted ?

A.—Yes, in the Central Government.

Q.—Then it is relaxation of the Secretary of State's control really that you advocate and not absolute removal ?

A.—In the provinces, I advocate absolute removal.

Q.—I am not talking of the provinces, but of the Central Government. Will you kindly look at section 19A of the Government of India Act ?

A.—He can delegate under that section.

Q.—Restrict the control by rules ?

A.—Yes.

Q.—For your purpose what you have in view can be achieved under section 19A without amending the Act ?

A.—Whatever can be done under the Act.

Q.—You are not a lawyer, but for three years you were a minister of the reformed Government and had to do with the Government of India Act during that period and do you mean to say that you never looked it up ?

A.—That can be done under 19A., and whatever can be done under the Act may be done.

Q.—Let us then turn to your specific proposals. If you turn to page 8 of your statement, the first proposal is that the ministers should be emancipated from a great deal of control—not entirely, but a very great deal of control—over them reserved to the Governor. That can be done by rules and by conventions ?

A.—I think so. I think I said that.

Q.—A Ministry in place of individual Ministers, be recognised and corporate responsibility prescribed. That can be done without amending the Act ?

A.—Yes.

Q.—The powers of Ministers be enlarged and they be relieved of a great many of the existing restrictions—financial, legislative and administrative. That can be done without amending the Act ?

A.—Yes.

Q.—The Finance Department be removed from the control of a Member of the Executive Council. That can be done without an amendment of the Act ?

A.—Yes.

Q.—Full autonomy and power over the purse be granted in the provinces to the representatives of the people in the legislatures. Some part of it can be done by rules, but the whole of it cannot be done without an amendment of the Act ?

(Sir Tej Bahadur Sapru pointed out that it must not be assumed that those of the members of the Committee who were hearing these question accepted the suggestions implied in them.)

(Mr. M. A. Jinnah drew the attention of the Chairman to the fact that the Hon. Sir M. Shafi was pursuing a fresh line of examination of the witness. He said that he could be re-examined only on such matters as arose out of cross-examination. The Chairman permitted the Hon. Sir M. Shafi to continue his examination.)

Q.—And the steps which you have mentioned at the top of page 8 can also be taken. You yourself have given an illustration of the steps ?

A.—Yes.

Q.—May I put to you one question with regard to these. Are these your personal opinions, or as a result—these demands—of the study of the Indian political conditions you think that this is the general view of the politically minded Indians ?

A.—Yes.

Q.—Are these your personal views, or do you think that this is the general view of the politically minded Indians ?

A.—My view after studying the political situation in the country and taking into consideration the political circumstances.

Q.—That being so, I want you to explain this sentence in your statement, “ I must not omit to say that the advance which it will be possible to make by such means will fall very much short of true responsible government which the country demands—that I can understand ” Then you go on to say, “ and it will be deeply resented and strongly opposed by all politicians in India.” I confess I do not understand that. You enumerate certain steps which ought to be taken. You say that the politically minded Indians all want these steps to be taken and yet you add that if these steps were taken then they will be opposed and resented.

A.—That is, if complete autonomy is not granted and if you only take a few steps and make changes in the rules that would not be acceptable.

Q.—You really mean that these steps will not satisfy Indian public opinion ? That is all you mean by “ opposed and resented ?”

A.—Yes.

Mr. Chairman.—*Q.*—I only want to ask one question. It is a matter of information. In the papers I have before me it is stated thus :—“ In the C P. and Berar there are 14 millions of people of whom under six hundred thousand or less than five per cent are literate.” Then it refers to “ Gonds,” “ Mahars,” “ Chamars,” “ Kunbis ” and “ Telis ” as comprising nearly half the population of the province. Am I right that the castes referred to there are what are called depressed classes ?

A.—The numbers must have been taken from the last Census returns.

Q.—I want to know whether these castes belong to the depressed classes ?

A.—We have got Mahars.

(*Sir Tej Bahadur Sapru*).—*Q.*—The Chairman wants to know which of these persons you would be prepared to classify as depressed classes in the Central Provinces, namely, the Telis, the Gonds, the Mahars ?

A.—Not the Telis.

Q.—The Gonds ?

A.—Only in the jungly tracts.

Q.—Mahars ?

A.—Yes.

Q.—The Kunbis ?

A.—The Kunbis are not a depressed class. They are farmers—agriculturists.

We are very much obliged to you, Mr. Chitnavis, for your attendance and the evidence which you have given.

The witness then withdrew.

Saturday, the 9th August, 1924.

The Committee met in the Committee Room B of the Assembly Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Rao Bahadur N. K. Kelkar, Ex-Minister, Central Provinces.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Kelkar, do you like to be examined in public ?

A.—Yes, Sir.

Q.—In the first place, Mr. Kelkar, let me thank you for your Memorandum and your courtesy in attending our examination. Before I ask you any questions on the Memorandum, I should like to explain that I am asking questions purely with the object of eliciting information and not with a view to criticise your views. I wish first to put a few questions about yourself. I take it, Mr. Kelkar, that you were a member of the first Legislative Council in the Central Provinces ?

A.—Yes.

Q.—Would you mind telling us what experience you had of local administration before that ?

A.—Do you mean provincial administration ?

Q.—Yes.

Q.—Before I became a member of the Legislative Council as it was in the pre-reform days, I had practically no experience of provincial administration as such, because I was not directly connected with provincial administration. But I had a lot of work to do in connection with local bodies, municipal boards, district councils and co-operative banks.

Q.—What was the constituency by which you were elected ?

A.—In the first council, I represented the district councils of the southern districts of the Central Provinces ; and in the second council I represented the landholders constituency.

Q.—Was there a by-election ?

A.—There were two regular elections. In the first election after the Reforms I represented the rural constituency of the Balaghat district.

Q.—That is in the council now in existence ?

A.—There were elections in the month of December last.

Q.—What constituency did you represent in the first reformed council ?

A.—The rural constituency in the Balaghat district.

Q.—And you still represent that ?

A.—No, I have been ousted.

Q.—You are no longer a member ?

A.—No.

Q.—Did you stand for that constituency again ?

A.—No, I stood for another constituency, *viz.*, Nagpur City *cum* Kamptee, Non-Mohamedan Urban Constituency.

Q.—And you were appointed Minister ?

A.—Yes, I was appointed Minister in the first term of the Reformed Council.

Q.—And you held office for 3 years in the first Council ?

A.—Yes.

Q.—What were the departments in your charge ?

A.—Four departments, Local Self-Government, Education, Public Works (Roads and Buildings) and Public Health and Medical Relief

Q.—And you held charge of these departments throughout that period ?

A.—Yes.

Q.—Have you got your Memorandum with you ?

A.—Yes.

Q.—I see in paragraph 6 you say “ time will soon come for extension of franchise ”. When you said the time will soon come, what sort of time had you in view ?

A.—One or two elections under the new constitutions of district boards and municipal committees.

Q.—The number of electors in the Central Provinces according to my papers here is about 150,000 ?

A.—Yes, about that.

Q.—What would you contemplate when the time comes for extending the franchise ? To what extent would you propose extending it ? Would you double it ?

A.—About 5 per cent. more.

Q.—Five per cent. of the population of the existing electorate ? Will it be 5 per cent. of the 150,000 ?

A.—5 per cent. of the total population. That is 14 millions.

Q.—That would double the electorate ?

A.—It will be more than double, about 4 times.

Q.—Do you think in two or three elections that would be possible having regard to your view that the present electorate is illiterate ?

A.—Yes.

Q.—I see you say that they are illiterate and a fairly large portion of the literate voters generally do not care to think of the elections in the provinces.

A.—Yes.

Q.—How then could the franchise be extended ?

A.—Because I find in the municipal elections, and in the district council elections, and also legislative council elections, people do take more interest than they used to do before.

Q.—You recommend that special qualifications should be imposed in the case of members as distinct from electors ?

A.—Yes.

Q.—Could you give the Committee any idea of what qualifications you can suggest ?

A.—Yes, certain educational qualifications and administrative experience in the past, such as being members of local bodies or having done some administrative work in the co-operative movement, and so on.

Q.—Is not that a rather curious franchise, previous administrative experience ? I think as a rule franchise is based on educational qualifications in certain cases, on restrictions on age and on property. Can you tell me any instance of franchise based on administrative experience ? I mean Parliamentary franchise ?

A.—That is not my object. I do not mean to say candidates. Candidates for election as members must possess certain qualifications.

Q.—You suggest administrative qualifications ?

A.—Yes, that gives administrative experience.

Q.—Your object in making that proposal is that the task of Government must be entrusted to those who are capable of realising responsibility ?

A.—Yes.

Q.—Then, in paragraph 9 and onwards you are dealing with the question of communal representation, to which you are very greatly opposed. But I find that in certain provinces communal representation is at present recognised ?

A.—Yes, it is recognised.

Q.—Special seats are provided for Muhammadans ?

A.—Yes, and depressed classes come in by nomination and the Anglo-Indian community comes in by nomination.

Q.—Let me take the question of election. I think I am correct in saying that there is communal representation only in the case of Muhammadans by election ?

A.—Yes.

Q.—Would you abolish that ?

A.—Yes.

Q.—Would you abolish also nomination which is now permitted for representation of the depressed classes ?

A.—Yes, I would.

Q.—How would you ensure the representation of the depressed classes in the local council ?

A.—In the general constituency they will be amply represented.

*Q.**—Is there any instance of a member of the depressed classes having been elected by a general constituency so far ?

*A.**—They did not stand at all.

*Q.**—There is no instance of a member of the depressed classes having been elected by a general constituency ?

*A.**—Not in the Central Provinces, because they did not stand at all.

Q.—Do you think that if they had stood there would have been any chance of their being elected ?

A.—Yes, if they possessed certain qualifications they would have been elected.

*Mr. Kelkar explains later that these answers do not refer to the candidates put forward at the first General Election to discredit the Council.

Q—Do you know as a matter of fact whether they possess the qualifications?

A—I do not quite follow.

Q—You said if they had possessed qualifications they would have been elected. As a matter of fact are there any members of those classes who do possess those qualifications at present?

A—None at present, except perhaps one or two.

Q—Then it would be rather difficult without the necessary qualifications for them to secure election under your scheme?

A—Yes

Q—Have you noticed in the course of your experience in the first council any tendency to increased communal feeling?

A—Yes

Q—Would it be right to say that the rivalry between Berar and the Central Provinces became more marked?

A—That was not due to communal feeling, but that was due to territorial jealousy.

Q—Would it be right to say that there is a certain amount of jealousy between the Hindi speaking and Mahratti speaking districts?

A—There is no jealousy as such. I do not think there is any jealousy.

Q—Was there any feeling between the Hindus and Muhammadans noticed in the council?

A—Yes, it was noticed in the council

Q—Did it increase or was the tendency the other way?

A—It was on the increase, I think.

Q.—There is one question I should like to put to you with regard to paragraph 12. I have read it but I have not quite understood it. You say that "Very few non-officials care to avail themselves of official training and experience". Does it mean that the officials do not put their training and experience at the disposal of the non-officials or does it mean that the non-officials will not listen to the officials?

A.—In the old council the non-officials did not mind the presence of the officials on the councils, but in the present councils—councils under the reforms—I have noticed that the non-officials do feel their presence.

Q—They resent the presence of the officials?

A—Yes.

Q—Do they resent the presence of the officials to such an extent as not to be prepared to avail themselves of their training and experience?

A—Yes.

Q—I only wish to get the point clear; I did not quite understand. In the same paragraph you say that the council should rid of the aristocratic element?

A—Yes.

Q—And I take it by aristocratic element you mean the landholding classes?

A—The landlords classes, not the landholders

Q—Therefore you would take away the special representation to them?

A—Yes.

Q.—Is it your view that these classes would be able to obtain satisfactory representation in the general constituency owing to their influence ?

A.—Yes.

Q.—That is all your point ?

A.—Yes.

Q.—You do not desire to exclude from the local legislature those persons who have a large stake in the country altogether ? You would not disqualify them ?

A.—I do not see the point in giving them special representation. •

Q.—You do not desire to prevent them from standing in an ordinary constituency ?

A.—They may stand in the ordinary constituency and seek election.

Q.—Do you think they would be successful ?

A.—Yes, they would be successful.

Q.—Owing to their influence and position ?

A.—Yes, on account of their position in the society.

Q.—As a matter of fact is any member of the landholding class at present representing a general constituency ?

A.—Yes, several persons who pay a certain amount of land revenue.

Q.—Do you mean the malguzari or the zemindari people ?

A.—That representation is confined to a certain number of people who pay a certain amount of land revenue, over Rs. 3,000 I believe.

Q.—Then you mean to say that at present there are separate constituencies ?

A.—Yes. There are several Malguzars in the Council who have come in the Council under the general constituency, although they do not pay land revenue amounting to Rs. 3,000 and over.

Q.—In paragraph 15 of your statement you say that it will take years before the electorate is properly trained in the sense of forming a judgment on definite political issues. Of course, you qualify that statement by saying that, although that is so, you would go on and widen the franchise.

A.—Yes.

Q.—Then in the next paragraph you say that if the points mentioned in para 15 are not carried out and if the Council is not re-constructed, then it is worse than useless to think of further political advance or to talk about representative and responsible government ?

A.—Yes ; and I am very strong on that point. If the Council is divided into communal and class compartments, then it is useless to think about representative and responsible government in the proper sense.

Q.—Therefore the first step that you propose is to improve the constitution of the Council ?

A.—Yes.

Q.—By that you mean to get a better electorate and better members and these you will get by laying down qualifications for the membership ?

A.—Yes.

Q.—You are in favour of Council Secretaries ?

A.—Yes.

L289IID

Q.—And you think that the Act should definitely be amended to provide for their selection out of the elected panel ?

A.—Yes.

Q.—That would involve the amendment of Section 52 of the Act ?

A.—Yes.

Q.—There is a complaint in paragraph 19 that sufficient papers are not given to Standing Committees ?

A.—Yes.

Q.—I made enquiries on that matter and found that it is nowhere the practice to place notes before the Standing Committees. By note I mean Secretariat notes. What is generally done is that a Memorandum is sent round. Is not that the practice in the Central Provinces ?

A.—No.

Q.—Will it meet your views if that was done ?

A.—Yes. The memorandum should contain all the facts and reasons.

Q.—The present practice is that a note is written by an officer and is more or less of a personal character and I think in the Secretariat it is the rule that these notes are written for the information of the Department concerned ?

A.—I think the memorandum will do provided it contains all material facts and reasons. That would meet my requirements.

Q.—You make an interesting suggestion in paragraph 22, which have seen repeated elsewhere, that three years is too short a period for the duration of the Council. By what period would you like to extend it ?

A.—I have suggested that the life of the Council should be five years.

Q.—You would, of course, notice that if you increase the period of the Council you would diminish the number of general elections and thereby you would delay to some extent the education of the electorate, because the more frequently the electorate exercise their functions the quicker is their education. Perhaps you have not taken that point into consideration ?

A.—My view on the contrary is that the people must be free of these frequent elections.

Q.—You think that the elections are too frequent at present ?

A.—Yes.

Q.—And you would adhere to five years ?

A.—Yes.

Q.—One of your arguments in favour of this view is that the Ministers must have time to learn their business ?

A.—Yes.

Q.—In practice, as a matter of fact, you have found that you would have learnt a good deal more if you had been a Minister for five years instead of three ?

A.—Yes.

Q.—You say that party loyalty is not a distinct feature of the Local Council. So far as these parties are concerned you fear that there may be danger in the future ?

A.—I do not see any danger in the future ; but that is a thing which we see nowadays and we have to guard ourselves against it. I do not think such a thing is likely to happen in the future.

Q.—Then what is your reason for such a thing not happening in the future ?

A.—Because there is a very strong tendency now to build up parties and to stick to the party programmes.

Q.—In paragraph 27 you suggest that it is not advisable to retain the Act the provision that the Ministers should be appointed by the governors and that they should hold their office during the pleasure of the governors. One of the reasons that you give is that the Governor has not the power to restore the salaries of the Ministers. Do you think it is advisable that he should have this power ?

A.—No.

Q.—I do not quite understand, under your system, who would appoint the Ministers ?

A.—I suggest that the act of nominating the Ministers may be done by the Governor but they should be taken out of a panel elected or selected by the Legislative Council.

Q.—Is not that a very unusual suggestion ?

A.—It may be.

Q.—Can you mention any constitution in any part of the world where there is such a panel elected by the Legislature ?

A.—I think the general practice is to elect Ministers who enjoy the confidence of the House.

Q.—Undoubtedly the King summons those Ministers who enjoy the confidence of the House, but they are not first of all elected by the legislature. Don't you think that there might be some difficulties if your suggestion is adopted ? Supposing there are three parties nearly well balanced in a Legislature On what system would you elect your Ministers ? If the majority are to nominate a panel, then presumably they will nominate the panel of their own supporters, who do not, in fact, enjoy the confidence of the House. Don't you think there might be a difficulty there ?

A.—That is conceivable, I think, but I do not think it will happen in practice that the Council will divide into three or four parties equally balanced.

Q.—Supposing it is divided into two parties—one Hindu and the other Muhammadan. What will be the result of your system of appointment of Ministers ?

A.—But if we retain the provision in the present Act, there will be deadlocks.

Q.—Do you think it is advisable to have these deadlocks ?

A.—But I cannot see how the appointment by the Governor would help us.

Q.—Because the Governor would select Ministers who will carry on the business ?

A.—But if the Ministers get a handsome salary of one rupee a year, I don't think they will stick to their posts.

Q.—Is it not possible that the Act may be so amended or modified that the Ministers receive their salaries as long as they work ?

A.—What I mean is that the Ministers should be appointed in consultation with the Council. Those persons only should be appointed Ministers who enjoy the confidence of the House

Q.—That of course is the constitutional position ; but what about the election of a panel by the Legislature ?

A—The panel simply means this. The Governor will send for a certain number of prominent members of the House and obtain from them the information as to who is likely to get the largest amount of support of the Council.

Q.—That is not the same procedure as election of a panel by the House. Do you wish to pursue that point ?

A.—It would serve my purpose if the Governor invariably sends for the prominent members of the Council or invariably consults the Council in one way or the other in order to find out as to who has the largest amount of support of the Council. The panel system would probably be useful in case the suggestion put forward by you does materialise, namely, when the Council is divided into two or three equal parties. In that case panel system would certainly be preferable.

Q.—You think that there should be a definite provision regarding the interference of the legislative with the executive work ?

A.—Yes.

Q.—You have found that there are tendencies from the Legislature to interfere unduly and beyond its reasonable powers. Do you suggest that there should be a statutory provision for that ?

A.—I suggest that there should a provision in the Rules.

Q.—You mean to say a statutory provision ?

A—I do not think there is time to make any provision of that kind just now. If the other suggestion is accepted perhaps there would be no occasion for it.

Q.—Is this a very definite suggestion of yours ?

A.—Yes ; because I do not like that the Legislative Council should interfere too much with the administrative details.

Q—Don't you think that the tendency to interfere in administrative matters would continue however the Council may be constituted ? Don't you think the Minister and the party, if they are well supported, will have such a tendency ? It will be rather accentuated than reduced ?

A—In that case I do not think it will continue.

Q.—You think that the stronger the Legislature is the less it would interfere ?

A.—Yes.

Q.—In paragraph 33 you say that the Cabinet meetings were few and far between.

A—Yes.

Q.—But we had a witness from your province on Thursday who, I think, said that there were frequent Cabinet meetings. I mean meetings of the whole Government.

A.—I am not talking about those meetings I am talking about the meetings of the Ministers and the Executive Councillors and the Governor.

Q.—That is what you call Cabinet meetings ?

A.—Yes.

Q—They were not frequent ?

A.—No.

Q—Were meetings between the Governor and the Ministers frequent ?

A.—I have said in my note that I have no knowledge of these meetings. They may have been well known outside but they are not known to me.

Q.—My question was : Whether the meetings between the transferred half of the Government, that is, the Governor and his two Ministers, were frequent ?

A.—The Governor and his two Ministers never met together. Our meetings used to consist of the Governor, the Executive Councillors and the Ministers

Q—Then there were no meetings of the transferred half ?

A—Not as such.

Q.—You have no information as to the meetings of the Council, that is the Governor and his Executive Council ?

A.—No.

Q.—That naturally you would not have because you have your own joint meetings which, of course, you attend

A.—I desire that the Ministers should have the right of attending all the other meetings also.

Q—Then they would have joint meetings ?

A—Yes.

Q.—Your point is that the Government should never meet except in joint meetings ?

A—Yes.

Q.—In fact one of your main objections to the working of the system in the Central Provinces was that there was not sufficient consultation between the various branches of the Government ?

A.—No.

Q.—You yourself freely consulted with your fellow Ministers ?

A.—Yes, on general questions of policy I did.

Q.—Therefore as far as you could you facilitated joint consultation ?

A.—That was not joint consultation ; I consulted them individually but not at joint meetings

Q.—You think that the main difficulty was that there were not enough joint meetings, and you would have liked to have a vote at the joint meetings ?

A.—Yes.

Q.—If you had voted at a joint meeting, that would have been something different to what is generally understood as dyarchy ?

A.—Yes.

Q.—I see you are of opinion that the power of a Member of the Executive Council to record a minute ought to be granted to a Minister ?

A.—Yes

Q.—To whom would that minute be forwarded ? The minute of the Member of the Executive Council can be sent to the Government of India, but the Government of India have no authority over the transferred subjects. To whom would the minute of the Minister be sent ?

A.—At least it would remain there

Q.—You merely desire it for the purpose of declaring your position ?

A.—Yes, and if it refers partly to reserve departments and specially to the services, perhaps it may be necessary to send the minutes of the Ministers to the Government of India.

Q.—But you would like that power ?

A.—Yes, if the services are to continue subject to the control of the Secretary of State or the Government of India, I would like to have that power

Q.—But you would like to have the power to record a minute in any case ?

A.—Yes, there must be a record of our votes.

Q.—In paragraph 52 you say :—"I always took the view that they (the Ministers) had only two courses open to them when they failed to influence the Governor from within, *viz.*, they must either resign or they must put up some member of the Council to agitate the same question in open Council." Would you regard that as loyal to your Governor ?

A.—No. Later on I have said that that is not a desirable course ; but that is inevitable.

Q.—What would be the view taken if a Member of the English Cabinet was to incite a Member of the House of Commons to attack his own Government ? Would it not be regarded as a breach of party loyalty ?

A.—I am afraid there is no such analogy between the British Cabinet and the Indian Cabinets because there is no dyarchy in England.

Q.—Still if a Minister retains office, he surely has some obligations towards the Government under which he holds office ?

A.—Yes, but he owes more obligation to the Legislative Council than to the Governor.

Q.—That would be met by resignation ?

A.—Yes, if the Government thinks it is a desirable course that the Ministers should be compelled to resign every now and then.

Q.—I am not trying to cross-examine you on the matter ; I am trying to get your ideas. Do I understand you to say that that is a legitimate course for the Minister retaining office to put up a Member outside the Government to raise a question ?

A.—No, I have said it is not desirable.

Q.—You would regard it as wrong ?

A.—I have explained how the Minister's position becomes awkward, because people expect us to do certain things and they ask us to place the popular view before the Government or the Governor, and if the Governor vetoes the Minister's proposals, what is the Minister to do ? He has to tell the people that he did not succeed inside the Government.

Q.—It is quite a different thing if it is taken up by the Member himself, but it is another thing if the Member is put up by the Minister ?

A.—Indirectly he is put up.

Q.—Will you look at paragraph 57. You claim there that the permanent officials challenge the propriety of the Ministers' orders, and you add that the Ministers can do them no harm, even if their recommendations are negatived by the Governor. That might be read that you

desire to punish a permanent official for putting forward a certain policy, that is not your meaning ?

A.—No, that is not it.

Q.—You say the Ministers can do them no harm ; would you desire to do a man any harm merely because he put forward a reasonable view ?

A.—Whether the Minister's view is a reasonable view or the view of the Head of the Department is reasonable is a question of fact.

Q.—That is not my question. My point was this Supposing an official put forward a view, however wrong you might think it, if you believed that it was an honest view, you would not desire to do him any harm ?

A.—No. .

Q.—What you really have in mind is factious opposition ?

A.—Yes.

Q.—Factious opposition you would like to have power to punish ?

A.—Yes.

Q.—As it is put it might be read that you desire to punish a perfectly honest expression of opinion, that is not so ?

A.—The question is whether this system should be retained at all.

Q.—Under any system you would not desire, I take it, to punish the propagation of honest differences of opinion, otherwise government would be very difficult ?

A.—Yes, but the real question is whether the heads of the departments should have this power at all.

Q.—Of opposing the Ministers ?

A.—Yes.

Q.—You would not suggest that they should not put their views before the Ministers ?

A.—They should put their views before the Ministers and argue before the Ministers.

Q.—Would you suggest that they did more than put their views before you ?

A.—They should put their views before the Minister, but if the Minister overrules them, they should accept the decision.

Q.—They should have no other recourse ?

A.—They should have no right of appeal to the Government.

Q.—Not even to bring their views to the Government ?

A.—No.

Q.—The Ministers would be in a position much stronger than the Members of the Executive Council ?

A.—Yes.

Q.—In the case of a Member of the Executive Council the Secretary can take a case to the Governor. You would not allow that in the case of a Minister ?

A.—No.

Q.—You imply generally that, although you were given a free hand in regard to policy, you were much interfered with in regard to detail ?

A.—Yes. What I mean there is that, so far as the Governor was concerned, I was allowed to have a free hand, but that does not mean that the heads of the departments did not oppose my policies.

Q.—But you were successful as a rule with the Governor ?

Q.—It was mainly in connection with pensions, salaries, punishments, etc., that your proposals were not accepted, and you thought wrongly ?

A.—Yes, I believed so.

Q.—You say heads of departments can seek interviews with the Governor in regard to transferred subjects but not in regard to reserved subjects, is that so ?

A.—Yes, I think so. May I read out the particular rule ? :—

“ Then if the head of a department desires to discuss any subject with the Governor, he may make a request for an appointment, and shall at the same time inform the Minister concerned of what he has done and of the subject he proposes to discuss.”

Q.—Is not that true of the head of a department in a reserved subject ?

A.—There is no such rule here.

Q.—Will you look at paragraph 74 ? I gather from the whole tenor of your report that your relations with the Governor were of the most friendly character personally. Did you ever have any difficulty in obtaining an interview with the Governor ?

A.—No. I am talking of the matter of the rules.

Q.—Is there any rule which provides for an interview ?

A.—I may say at once that the Governor was accessible to me at any moment.

Q.—In these circumstances is any rule required ? Is there any rule giving a right to a Member to approach the Governor ?

A.—No.

Q.—May I suggest the reason that in the case of subordinate officers it is necessary to provide for an interview, in the case of Members of the Government it is not necessary. I do not propose to take you through these instances you have given ; they relate to persons and I think it may be undesirable. You think Ministers should be consulted in regard to recommendations for Honours ?

A.—Yes.

Q.—Is that not done ?

A.—No.

Q.—Not even informally ?

A.—Not that it was not done, but I one made a representation to the Governor that I should be consulted before these honours were conferred, and I was told that it was the exclusive privilege of the Governor and that no Member of the Government had any right.

Q.—No Minister or Member ?

A.—That is what I understood.

Q.—Then it is not a grievance particularly of Ministers ; it is shared by the other Members of the Government ?

A.—Presumably, but I do not know what the Executive Councillors have got to say.

Q.—You would withdraw from the legislatures, if I understand correctly, the annual consideration of salaries ?

A.—Yes.

Q.—Because, as you say, unless some such step is taken it would be difficult to check the annual vagaries ?

A.—Yes.

Q.—By that I think you mean that there should be some permanency in these matters. They ought not to be matters for every year's discussion ?

A.—Yes.

Q.—Did you have any difficulty in the Finance Department yourself : You have not mentioned very much ?

A.—I have not mentioned very much because there were no finances

Q.—No. Not on the point of the purse but on the question of reference to the Finance Department ?

A.—I had occasion only once to differ from the Finance Department.

Q.—Not a serious difference ?

A.—Yes, it was a serious difference ; I wanted to borrow a loan for a certain purpose and I was told it was not permissible.

Q.—Did you object to that ruling ?

A.—Yes, I did.

Q.—What was it based on ?

A.—It was based on the fact that the purpose for which I wanted the loan was not a remunerative purpose.

Q.—Is that one of the rules of the Government of India—that loans must be for remunerative purposes ?

A.—I think so, yes.

Q.—Do you consider that the rule should be changed and that loans should be made for unremunerative purposes ?

A.—What do you mean by "unremunerative" ? For instance, I wanted the loan for building a Science College and proposed to pay it back out of the current revenue every year.

Q.—And the Finance Department objected to that ?

A.—Yes.

Q.—You think that unsound ?

A.—Yes.

Q.—Would you like wider powers ?

A.—Yes.

Q.—I don't want to go into the details of the case but I see that on one occasion a question arose—I am referring to paragraph 121 of your statement at the end—a question arose which concerned two departments. Did you ask for a joint meeting about that ?

A.—Well, I was not consulted. Prosecutions had been instituted and it was no use to have a consultation afterwards.

Q.—In other words action was taken before you could be consulted. But if this was not so, would you have asked for a joint sitting ?

A.—Yes.

Q.—Did you complain to His Excellency afterwards ?

A.—Yes ; I put it on record and I believe all such records were sent to His Excellency.

Q.—Where two departments are concerned it is a rule that there should be a joint consultation. That is provided for by the rules ?

A.—Yes, but what they said was this was a matter which did not concern two departments.

Q.—That is a matter for the Governor's decision ?

A.—Yes, but the Executive Member had already acted on his own responsibility. He passed the orders, the prosecutions were instituted, and the Governor or the Minister had no voice.

Q.—It is not my suggestion that anything arises on this particular case. My point is in a matter where two departments are concerned the rules do provide for joint consultation ; and if a joint consultation is not secured, that is not the fault of the rules but the administration of the rules ?

A.—As I read the rules, the rules mean that if in any particular case two departments are concerned then joint consultation is provided for.

Q.—That is not in the rules themselves but in the administration of the rules ?

A.—In the rules themselves also. The rules do not provide for joint consultation regarding something which arises out of one department and which ostensibly belong, to another department. For instance it was said that as soon as the election were over the ministers' jurisdiction ceased.

Q.—My question was not with regard to this particular case. What I say is had the rules been faulty they would not involve joint consultation in a case such as I state where two departments—whether transferred or reserved—are concerned ?

A.—Yes, but the Executive Councillors may choose to treat a particular case as belonging to one reserved department in his charge.

Q.—But the decision whether a subject belongs to one department or another rests with the Governor ?

A.—In that particular case ?

Q.—In all cases.

A.—But in this particular case the two cases were dealt with separately.

Q.—That is to say, it is a defect in the administration and not in the rules. That is all I mean ?

A.—Yes.

Sir Muhammad Shafi.—Q.—Mr. Kelkar, you were a member of the pre-Reform Council. What constituency did you represent ?

A.—I represented two constituencies in the pre-Reform Councils. In the first Council from 1914 to 1917, I represented the district boards of the southern districts in the Central Provinces. In the second Council, from 1917 to 1920, I represented the landholding classes.

Q.—That means that you were a member of the Central Provinces Legislative Council for 9 years ?

A.—Yes, altogether.

Q.—You have told us that you would abolish Moslem electorates ?

A.—Communal electorates generally.

Q.—You would abolish separate Moslem electorates ?

A.—I do not say Moslem electorates ; even if you give it to Mahraita Brâhmins I would abolish it.

Q.—What do you mean by the abolition of communal representation ?

A.—I mean the representation of special communities.

Q.—You have stated in answer to a question by the Chairman, that you would abolish separate Moslem electorates.

A.—I did not mean it in that way, and if I gave that impression I would correct it now. I would say that I am entirely opposed to communal representation.

(*Mr Chairman*).—What I said was that the only communal representation in the Central Provinces was Muhammadan, would you abolish that ?

Q.—And you said yes. Do you stick to that view ?

A.—Yes.

Q.—How do you propose to secure Muhammadan representation in the Council ?

A.—Through the general constituencies.

Q.—Looking at the number of electors in your Province I find that there was no separate Moslem electorate, the number of Hindus being electors. Do you think that in that state of things any Muhammadan would have any chance of being elected to your Council ?

A.—Yes, I believe so.

Q.—Assuming that the electorates were what you call general and there was no separate Moslem electorate, the number of Hindus being what I have stated, do you think any Muhammadan would have a chance of being elected to your Provincial Council ?

A.—I think so. Having regard to the state of political feeling I think the Muhammadans have every chance now ; and if I may be permitted to add, if you look at some of our municipal elections in the Central Provinces you will find that Muhammadans have sometimes been elected in preference to Hindu candidates, although in the particular cases I have in mind the number of Muhammadan voters was much smaller than that of Hindu or non-Muhammadan voters.

Q.—Can you give any instances ?

A.—Yes, the Bhandaran Municipal elections. In Jubbulpore also Muhammadans were elected. I am talking now of municipal elections.

Q.—Let us have something definite. Of what Municipality were you yourself a member ?

A.—Balaghat, which is one of the districts in the Central Provinces.

Q.—Is the electorate there mixed or separate ?

A.—Mixed for municipal elections.

Q.—How many elected members are there on that Municipal Board ?

A.—Now 10.

Q.—Out of those 10 how many are Muhammadans ?

A.—One. He was the only candidate who stood for election and he succeeded. He was opposed by a Hindu.

Q.—Who was he ?

A.—He was the agent of some Malguzars—that is, an agent of a landholder.

Q.—Of the principal landholder there ?

A.—Not principal.

Q.—One of the principal malguzars ?

A.—I do not think so. He is not principal malguzar.

Q.—Who was the rival Hindu candidate ?

A.—A pleader.

Q.—On what district council were you ?

A.—Balaghat.

Q.—How many elected members were on that district council ?

A.—Before the reforms or after the reforms because you must make a distinction.

Q.—I am now thinking of the reform period, not before the reforms.

A.—Well, that is very material. I may be permitted to explain that in the Central Provinces in the district councils only Malguzars had representation by election, and a few trading classes, before the Central Provinces Local Self-Government Act was amended in 1920. The rules under the Act were framed towards the end of 1921 and the first elections under the new Act took place in 1922-23.

Q.—Well, I am speaking of the 1922-23 elections. How many elected members were there on this Council ?

A.—It was a mixed electorate.

Q.—I said how many elected members were there on this new Council ?

A.—There are 22 district councils.

Q.—I mean your district council ?

A.—In the Balaghat District Council ? I cannot tell from memory but probably 24.

Q.—Was there any Muhammadan among the 24 ?

A.—I don't know.

Q.—So far as you know was there a Muhammadan member on that district council ?

A.—Not elected to my knowledge but probably nobody stood for election.

Q.—Do the Muhammadans in your Province insist on having separate electorates ?

A.—Yes, that is what I gather to be the feeling. Because Muhammadans in other Provinces claim separate representation, the Muhammadans of the Central Provinces also want that.

Q.—That is a reason. Mine was a question of fact. I did not ask for reason. Now do the landholders of your Province want separate election, do they insist on having separate election ?

A.—They wanted it in the pre-reform days but I am not sure if they want one now.

Q.—In paragraph 12 of your memorandum there is a sentence with reference to which the Chairman put one or two questions. I want to ask you a general question with regard to that sentence. You say "Very few non-official care to avail themselves of official training and experience." Kindly explain what exactly you mean by that statement ?

A.—That is to say, whatever is stated by the officials, they do not regard it as advice necessary for their guidance in conducting the affairs of the Legislative Council.

Q.—In paragraph 15 of your statement you enumerate the four steps which you consider essential. In paragraph 16 you go on to say "If these points fail to receive immediate consideration and if the Councils are not reconstructed on the lines suggested above I think it is worse than useless to think of further political advance or to talk about representative and responsible government." Is it your opinion that unless these four points are conceded, you would have no further political advance ?

A.—That is not what I mean, but that even if you give further political rights they won't be of much consequence.

Q.—What do you mean by representative government in this sentence ?

A.—Representative government means a government which represents the views of the general body of tax payers.

Q.—Then you think that although communities may have a stake in the country, although they may be numerically, comparatively in a minority and even though they may not have any separate representation at all, yet you can have representation in spite of it ? What is meant by "they are not sufficiently strong or numerically strong ?"

A.—According to my view there is not a single community in the whole country which is not a minority. For instance I do not understand how the Hindus and Muhammadans in Muhammadan constituencies and non-Muhammadan constituencies are constituted.

Q.—I give you an example. There is the non-official European community in India. They have a material stake in the country ?

A.—Yes.

Q.—Do you think that a Government can be said to be representative if it has no non-official European member on the Legislature ?

A.—It is not representative if they do not come through elections—but if they come through general elections, there is nothing to prevent them from doing so.

Q.—In paragraph 26 you have stated that the opposition to the Ministers may be minimised by selecting the Ministers out of a panel suggested by you. In reply to a question put to you by the Chairman you said that the power of selection of course would rest with the Governor. The question I want to put to you is this. Assuming in the Central Provinces Legislative Council that the majority of the elected members belong to a particular community, is it not probable that the panel elected by them will belong to that particular community ?

A.—Not necessarily.

Q.—I did not say that that will be invariably the case I said is it not probable that the panel would belong to that particular community ?

A.—It is very difficult to answer what is probable and what is not probable, but I think having regard to the political awakening in the country now, it is not probable.

Q.—In paragraph 34 you have stated that the Executive Councillors did not take you into their confidence even in regard to important administrative matters and consequently although you were expected to influence the votes of Council members on any debate you confess you did not do so wholeheartedly. I would like to ask you this question. Did you in the administration of the transferred subjects in your charge take the Executive Councillors into your confidence ?

A.—Yes. I can say that confidently.

Q.—Did you consult them on questions of policy ?

A.—Yes.

Q.—They did not reciprocate ?

A.—No.

Q.—In paragraph 49 you say, “ Ordinarily, the Executive Councillor's decision is binding on the Governor who can overrule it only under the circumstances... ”, and you refer subsequently to the rule which makes it necessary for the Ministers to submit cases of importance to the Governor. Does not that rule apply equally to the Executive Councillors ? Are not the Executive Councillors also bound to submit cases of importance to the Governor ?

A.—Yes. The rule may be applicable to the Executive Councillor, but in dealing with the case submitted by the Executive Councillor the Governor has to abide by the provisions contained in section 50 (2), while in dealing with a case submitted by the Minister he is not necessarily bound by that rule. There is a difference in the rule and the provisions contained in the Act.

Q.—May I invite your attention to section 52 sub-section (3) of the Government of India Act. You have yourself made a distinction under the rules between cases of minor and those of major importance. In cases of minor importance the Minister has the final word ?

A.—Yes.

Q.—It is only in cases of major importance that you had to submit cases to the Governor ? Is it not so ?

A.—Well, who is to decide which is a case of minor importance and which one is of major importance—whether the Ministers or the Heads of Departments or Secretaries.

Q.—Would it not be for the disposing authority in the first instance to decide what was a case of minor importance and what was a case of major importance ? That is to say, the case first goes to the Minister. If it be the opinion of the Minister that the case is one of minor importance, he disposes of it himself. If he is of opinion that the case is one of major importance he submits it to the Governor. Is not that ordinarily the case ?

A.—I do not quite follow you. What I mean is that the Minister, at least I, considered every case to be within my cognisance, and so long as I considered that any case was within my cognisance it was immaterial for

my purpose whether others thought it to be of major importance or of minor importance.

Q.—Exactly. Then if you considered the case to be within your own cognisance, you disposed of it, no matter what others thought. It is only cases which you considered were of major importance that you submitted to the Governor. Now, kindly turn to sub-section (3) of section 52. In relation to the transferred subjects the Governor shall be guided by the advice of Ministers unless he sees sufficient reasons and so on. Bearing in mind the meaning which is attached to the word 'shall', does not the section mean that ordinarily the Governor is bound by the advice of the Minister? It is only in exceptional cases that he would, for reasons stated in the section, overrule the Minister?

A.—What I think is that the first part of that sub-section is materially modified by the second part of that sub-section. Although the first part of that sub-section is a very positive statement of law, the second part of it materially qualifies it.

Q.—Of course, it qualifies it, but in exceptional cases. It shows that the correct reading of the section is that it is only in exceptional cases and ordinarily the Governor shall abide by the Minister's advice.

A.—Yes. Why is the distinction made between section 52 and section 50 (2)?

Q.—The Committee will no doubt discuss that at the proper stage. At present we only want information. In paragraph 95 you say that "the rules above referred to debar Local Governments from creating or abolishing posts." You see for yourself that that is a very general statement to make. Would you like to qualify it in any way?

A.—Posts of the kind mentioned in the rule—that is what it means obviously.

Q.—You mean posts ordinarily held by members of the All-India Services?

A.—Yes.

Q.—Of course, the Local Governments have the power to abolish or create posts in what are called Provincial Services and Subordinate Services.

A.—Yes.

Q.—In paragraph 97, last sentence, you say, "This is a source of irritation in the past and is likely to be so in the future if the distinction between the reserved and transferred subjects is maintained." What is your exact suggestion in this sentence?

A.—That is about the Public Works Department. I was dealing with the Public Works Department.

Q.—In the Public Works one part is transferred and one part is reserved. Irrigation is reserved and the other branch is transferred. But what I wish to ask you is this, what exactly is your suggestion in that sentence? Would you remove the distinction by making the transferred subjects reserved, or would you remove that distinction by making the reserved subjects transferred?

A.—That is not what is meant by it. What is meant by it is that although roads and buildings are a transferred subject, so far as buildings are concerned, the Ministers have got no administrative functions provided

such buildings do not appertain to the particular department of which he is in charge. That is how it is construed, and I objected to that, and said that so far as buildings were concerned, the Minister must have administrative power also.

Q.—In paragraph 99 you say, “Ministers cannot enforce any disciplinary measures against such officers nor do the Ministers possess the power of posting such officers to places desired by them (Ministers).” Can you mention to the Committee any rule which prevents Ministers from doing so?

A.—About All-India Services Officers.

(*Mr. Chairman*).—*Q.*—You mean All-India Service Officers?

A.—Yes. All such orders—I do not call it orders. I call them mere recommendations or suggestions by the Minister and as such they must receive the final approval of the Governor.

Q.—Are you speaking of any rule precluding Ministers from passing orders in question, or are you referring to practice?

A.—That is how I read the rule—I believe it is rule no. 10.

(*Mr. Chairman*)—It is rule 10 (b).

Q.—In paragraph 108 of your statement you make a suggestion. “In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over department expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature.” Do you mean by an Act of the Indian Legislature, or by an Act of the Provincial Legislature in the Province concerned?

A.—Provincial Legislature, for every Province must be at liberty to fix its own cadre and fix its own terms of service.

Q.—In paragraph 117 you summarise your proposals. In proposal (f) you say, “The distinction between ‘reserved’ and ‘transferred’ subjects may be abolished and all subjects may be transferred.” For that you realise that an amendment of the Act would be necessary?

A.—Yes.

Q.—All the remaining suggestions that you have put forward can be carried out without amendment of the Act?

A.—That is a very technical question. It is for the lawyers to say whether that can be done without the amendment of the Act or not. But as a layman I may say that the amendment of the Act in certain respects may be necessary.

Q.—In your memorandum you have given us mainly your ideas about the Provincial Governments. It has nothing to do with the Central Government?

A.—No.

Q.—What is your opinion about the question of the restriction or relaxation of the Secretary of State’s control over the Central Government?

A.—That ought to be relaxed and the Indian Government must be subject to the Indian Legislature.

Q.—In all matters?

L538H

A.—I think logically in all matters but as a matter of practical politics I may concede for the present that Army may be excluded, but later on it will be necessary.

Q.—What about foreign affairs ?

A.—Yes, foreign affairs also.

Q.—You remember the recommendation of the Joint Parliamentary Committee, that where the executive government and the legislature, whether of the Central Government or of the provinces, agree, ordinarily the control of the higher authorities should not be exercised ?

A.—There is that recommendation of the Joint Committee.

Q.—Are you in favour of leaving it at that or would you frame a rule under the Government of India Act to that effect ?

A.—To what effect ?

Q.—Would you leave it merely as a recommendation or would you frame a definite proposal under the rule-making power to that effect ?

A.—Whether it is a mere recommendation or whether it is embodied in a rule, I believe for all practical purposes the recommendation or the rule would be a mere pious provision. As a matter of fact we find that the executive government and the legislative council often differ from each other. It is only on very rare occasions that they agree.

Q.—But on those rare occasions on which they agree are you in favour of restricting the Secretary of State's control ?

A.—Of course it must be so.

Q.—You are in favour ?

A.—Yes.

Q.—My point is this. Would you leave that to a mere convention or would you frame a rule under the rule-making power embodied in the Government of India Act to that effect, assuming that the cases are rare ?

A.—As I am at present advised I am inclined to think that a rule would be more effective than a mere recommendation contained in the Joint Committee's report.

Q.—You have said that excepting foreign affairs and the army, you would make the Government of India responsible to the legislature ?

A.—In all civil matters.

Q.—Would you apply this rule that you say ought to be framed in those rare cases in which the legislature and the executive government are in agreement to questions relating to army and foreign affairs ?

A.—Am I to understand that the rule which you propose should be applicable only to the civil administration ?

Q.—My question is very clear. You have just now said that in your view the Secretary of State's control over internal affairs ought to be removed and that the Government of India should be made responsible to the Central Legislature except in cases relating to army and foreign affairs. My question was, ought the rule which you say must be framed, that where the executive government and the legislature agree the Secretary of State's control ought to be relaxed or restricted, to apply to matters concerning the army and foreign affairs ?

A.—Such a rule would be relevant only in those cases where the control is not transferred to the Legislature. In the other cases it would not be relevant

Mr. M. A. Jinnah.—Q.—Mr. Kelkar, what do you mean by saying that the army should be excluded ?

A.—I mean expenditure on the army up to a certain limit. For instance it may be fixed in the first instance that the expenditure on the army should be 20 crores or 50 crores. Beyond that limit, the Government of India must be subject to the control of the Legislature.

Q.—You mean to say that certain amount of expenditure should be votable by the Legislature ?

A.—Yes.

Q.—You do not exclude the army to that extent from the purview of the Legislature ?

A.—No.

Q.—Anything else ?

A.—Not that I can think of at present.

Q.—Have you considered this question ?

A.—No.

Q.—Have you considered how the army is established in this country ?

A.—No. Of course I have got a general idea but not more than that.

Q.—You just now said that a certain portion of the army expenditure should be subject to the control of the legislature ?

A.—Yes.

Q.—Would you also give any power to the legislature to have any control over the organisation or the reorganisation of the army ?

A.—That means you give the whole control to the legislature.

Q.—You would not give any control over the organisation or the reorganisation ?

A.—It is very difficult to answer that question.

Q.—You have not considered that question ?

A.—No.

Q.—Would you give any voice to the legislature in the actual military administration ?

A.—Voice I would certainly give.

Q.—How ?

A.—By saying that the budget should not exceed a certain figure.

Q.—That is purely on the financial side ?

A.—Yes.

Q.—I am referring to the practical administration ?

A.—That would be by means of Resolutions. That is the only method.

Q.—That would not be binding ?

A.—It would be a voice only.

Q.—You said you want some sort of voice or control in the actual civil administration. Do you suggest there should be any control of the legislature over the military administration ?

A.—As I have said I came here prepared to make only general statements. As a matter of practical politics army may for the present be excluded from the operation of the general rule which I have laid down. I cannot give you any useful advice on the other matters just now.

Q.—What I want to know is this. You know that home defence is certainly essential for home rule ?

A.—It is.

Q.—You say that the army should be excluded. Do you think that some scheme is necessary which will give you sufficient training and qualifications to take over the defence of the country ?

A.—Yes, certainly that is necessary.

Q.—Suppose you exclude the army, what happens to it ?

A.—I said, exclude the army for the present as a matter of practical politics.

Q.—And leave it to what ?

A.—And leave it for some time till the other civil administration is brought under the control of the legislature. Then take over the question of the army. I do not mean to say that the army should be excluded permanently or for all time.

Q.—With regard to the separate communal electorates, I think you said that at present generally the Muhammadan community is in favour of separate electorates ?

A.—Yes.

Q.—And would you be prepared to go against that view ?

A.—Yes.

Q.—Would you force the Muhammadan community to give up the separate electorates, if the bulk of the Muhammadans desire to continue them ?

A.—Yes, I would ask them to do it.

Q.—Would you force them ?

A.—I would force them if it is necessary.

Q.—Against the wish of the bulk of the Mussalmans ?

A.—Yes.

Q.—We are not concerned with the wisdom of the thing. Supposing the Muhammadans all over India think that for the present they must have separate electorates, you would force them to give it up by legislation ?

A.—Yes.

Q.—How would you force them ?

A.—I would repeal the present rule and have a general electorate only. Let them take part in the general elections.

Q.—You will have common electoral rolls ?

A.—Yes.

Q.—There would be no provision in the common electoral rules even if the Muhammadans fail to secure a certain number of representatives ?

A.—No.

Q.—Do you understand my question ?

A.—Yes.

Q.—That is the system that you will advocate ?

Q.—So far as your province is concerned, you said the electorate or a large portion of it is not literate. Do you think that that electorate is capable of returning competent representatives to the legislature at present ?

A.—Yes, if my suggestion is accepted, then only competent people would stand.

Q.—I am speaking about the voters, not the candidates ?

A.—The electorate is being qualified and they are learning by mistakes.

Q.—Please answer my question. What is your opinion at present ? You have been an administrator for three years. I want to know from you whether your province has got electorates which are sufficiently qualified and able to return proper representatives to the legislature. That is to say representatives who would have sufficient calibre to carry on Government if responsibility is thrown on them ?

A.—That view was never placed before the electors. They always talked about Swaraj.

Q.—I am not asking about Swaraj or other political issues.

A.—I understand your point. What I mean is that they understand the view, the particular view which is placed before them and they are able to exercise their votes in favour of that particular view.

Q.—Then they can give an intelligent judgment ?

A.—Yes.

Q.—Never mind the present politics. What I want to know is can they exercise an intelligent judgment, the electors as they are ?

A.—On any definite political issue or on the consequences of their actions ?

Q.—Yes.

A.—I think I have made it quite clear in my note that they are not in a position to express any definite opinion on any political issues.

Q.—They are incompetent ?

A.—You may take it as you like. My note is there. What I have said in my note I have made very clear, that at present they are not in a position to pronounce any definite opinion on any definite political issues or to understand the consequences of what would happen if they returned A, B or C.

Q.—In that case do you advocate the transfer of all subjects ?

A.—Yes.

Q.—Why ?

A.—If there is any justification in transferring certain subjects, there is justification in transferring other subjects also. I attach more importance to the subjects which are at present transferred than to those which are reserved.

Q.—Then according to you if all the subjects were transferred, the legislature would be quite competent to carry on ?

A.—Yes, if the responsibility is thrown on the Legislature.

Q.—Then according to you the electors can send representatives who would be able to carry on the government satisfactorily ?

A.—Subject to that qualification.

Q.—What qualification ?

A.—The qualification of the candidates.

Q.—Subject to this, that the candidate must have certain additional higher qualifications ?

A.—Yes.

Q.—What should the candidates do ? Pass an examination or should they have administrative experience ?

A.—Administrative experience.

Q.—Who will decide whether they have administrative experience or not ? It will be a qualification.

A.—If a man has served on a local body say for 3 years.

Q.—Who will decide that ?

A.—That is what I am telling. If a man has served for a local body say for 5 years you can safely assume that he has got administrative experience.

Q.—Who is to assume ?

A.—That is the test I would apply.

Q.—Do you mean to say that if his nomination is sent in he will have to say he has such and such experience ? What qualification would you lay down ? Let us have that first ?

A.—That he should have worked as a member of a local body for 5 or 10 years.

Q.—One qualification would be that he should have been a member of a local body for 5 or 10 years ?

A.—Yes, that gives you administrative experience.

Q.—Let us have all the qualifications ?

A.—Then, certain educational qualifications, for instance a graduate of a University or a member of some learned profession.

Q.—He must be at least a graduate of a University ?

A.—Or a member of the legal profession or medical or other learned profession. That is the educational qualification.

Q.—Anything else ?

A.—Nothing else.

Q.—You will lay down two qualifications, one educational, that is to say he must have obtained some degree, or he should belong to certain profession, and further if he does not possess educational qualifications, he must have served for 5 years in a local board. Is that correct ?

A.—Not in the alternative, but both together.

Q.—He must have served a local board for 5 years *plus* his educational qualifications ?

A.—Yes.

Q.—And unless he has both, that would not be ?

A.—No.

Q.—Under that scheme, will the Right Honourable Mr. Sastri be qualified as a candidate ?

A.—I do not know.

Q.—Have you considered that ?

A.—I do not know that. But cases of that kind must be rare. Hard cases do not make bad laws.

Q.—Have you considered how many will be excluded if you impose 5 years' service in a local board and also educational qualifications ?

A.—If you will look at my note you will see that if the general principles are accepted it will not be difficult to frame rules. This will have to be examined further as I have said in my note.

Q.—Now, provided the candidates have certain qualifications, you think that your province is ready for complete provincial autonomy ?

A.—That is my view.

Q.—You know that that requires a drastic amendment of the constitution ?

A.—Yes.

Q.—Do you advocate the amendment of the constitution at once ?

A.—Yes.

Q.—I do not quite follow your summary. Are you in favour of this system of dyarchy continuing if certain improvements and amendments are possible within the Act ? Are you in favour of that ?

A.—No, not at all. I am not at all in favour of dyarchy. It must be done away with.

Q.—Not dyarchy as it stands, but dyarchy *plus* this, that certain improvements are made, certain imperfections and certain defects are removed, such as several that you have pointed out. Supposing those defects were rectified, would you accept the system of dyarchy and work it ?

A.—I would not accept dyarchy, No.

Q.—I want to know your opinion ?

A.—I would not accept dyarchy.

Q.—And you would not work it ? You think it will not work satisfactorily ?

A.—No, it would not work. Past experience has shown that even if improvements are made it would not work.

Q.—Past experience has shown that even with all the improvements which you have suggested it would not work ?

A.—No.

Q.—You were appointed a Minister ?

A.—Yes.

Q.—When you were appointed a Minister, did you command a majority of the votes of the representatives in your council ?

A.—It is too big an order for me to answer, but I believe that I did.

Q.—What did you find in practice ?

A.—In practice except on one or two occasions it worked well.

Q.—I am not asking about the working. Your relations might have been very pleasant. Did you command the support of the representatives of your council ?

A.—On the majority of the occasions.

Q.—To whom were you responsible really as a Minister ?

A.—I considered myself responsible to the Legislative Council. But since I was appointed by the Governor, I had to consider myself responsible to the Governor also.

Q.—Then you were between the devil and the deep sea ?

A.—I have said so. It is quite clear in the note which I have written. I had to please two masters, the Governor and the Legislative Council.

Q.—You do not want to repeat that experiment ?

A.—No.

Q.—Do I understand this correctly ? So far as the transferred subjects are concerned, this is what you say in your summary : " If the distinction between " reserved " and " transferred " subjects is retained, then let the transfer be real and not nominal. The Ministers should not be mere advisers to the Governor but they must be real administrators responsible both for policies as well as for details." Responsible to whom ?

A.—To the Legislative Council.

Q.—Then do I understand from that when you say that the transfer should not be nominal that for all practical purposes it is the Governor who really has charge of these subjects ; neither the Minister nor the Legislature has a voice in the matter ?

A.—Yes, that is what I understand from the wording of section 52.

Q.—For all practical purposes it is the Governor who really runs these departments ?

A.—He is the ultimate authority.

Q.—As the ultimate authority the Governor runs the departments. The Minister is merely an adviser and the Legislature cannot do very much ?

A.—That is correct.

Dr. R. P. Paranjpye.—Q.—Rao Bahadur Kelkar, you spoke about electorates and you appear to be very strong about having a proper electorate. Do you think it is impossible to have a representative Government without having a very large electorate ?

A.—In the ideal sense it is perhaps not, but we have to go on. We cannot stop.

Q.—Perhaps you have read a little bit of history of England ?

A.—Yes.

Q.—And you can tell us whether in the earlier stages of representative government in England the electorates were so very vast ; before the Reform Bill of 1832, for instance, what was the proportion of the voters in England ?

A.—I could not give you the figures, but it was small.

Q.—You know it was very small ?

A.—Yes.

Q.—And that by successive Reforms Bills, the electorates have been greatly increased and it is only during the last 3 or 4 years that the electorates are 15 to 20 per cent. of the total population ?

A.—Yes.

Q.—So that you can conceive of cases where even if the electorate is comparatively small it is possible to have responsible government ?

A.—Yes.

Q.—You talked about communal representation and the depressed classes. Can you tell us from your experience of 3 years' working of the

Legislative Council whether in the councils any law has been passed or whether any resolutions have been passed which had special reference to the interests of the advanced classes and which were detrimental to the interests of the unrepresented classes ?

A.—No such law has been passed. On the contrary a resolution has been passed by the advanced classes which is in favour of the depressed classes.

Q.—I believe you were responsible for passing a Primary Education Act in the Central Provinces ?

A.—It was not in my time as Minister. But when I was an ordinary Member of the Council that Primary Education Act was passed.

Q.—But you were thinking of further extension of the Primary Education Act ?

A.—Yes. In fact, the rules under the Act were framed by me.

Q.—For whose interests these extensions were meant ? Were they in the interests of the people who were actual voters or in the interests of the people who were not voters ?

A.—They were in the interests of the masses.

Q.—That is to say, persons who were not ordinary voters ?

A.—Yes.

Q.—Particularly, for instance, they were in the interests of the depressed classes, seeing that they have the greatest amount of illiteracy ?

A.—They were in the interests of practically all the classes in the Central Provinces. Most of the classes, for instance, labouring classes and the agricultural classes, in the Central Provinces are illiterate.

Q.—Now let us come to another point. What is the proportion of the voters who can read and write ?

A.—You mean the proportion of 1,39,000 voters. It is very difficult to give the exact figure. I am not a mathematician.

(*Mr. Chairman.*—We have got this proportion in the Local Government's statement and we should take it to be correct.)

Q.—Don't you think that even with the small electorate the present tendency is to legislate in favour of the classes which they represent and not in favour of the unrepresented majority ?

A.—Not at all. On the contrary the tendency is more in favour of illiterate and the poor.

Q.—Although you appear to lay such great stress upon having a very vast illiterate electorate, it is not an insuperable difficulty for the moment ?

A.—For the moment it is not.

Q.—You think that the Councils will take proper care to see that the masses are educated and are brought up to the proper level. You think that it is possible to have a representative Government even with a comparatively small proportion of the population ?

A.—Yes.

Q.—Then I go on to your opinion about communal electorates. What proportion of population in the Central Provinces is Muhammadan ?

A.—The proportion is about 4 per cent. taking the Central Provinces and the Berar together.

Q.—What is the total number of elected members in your Council ?

A.—54.

Q.—So that at this rate the proper proportion of Muhammadans in the Council ought to be about 2 to 3. Do you think it is possible to get at least this number of Muhammadan representation by means of general electorate ?

A.—It is possible.

Q.—What is the total number now of Muhammadan members ?

A.—Seven.

Q.—All of them are elected ?

A.—Yes.

Q.—None is nominated ?

A.—One is nominated.

Q.—And you do not think that there would be 7 elected ?

A.—There are seven Muhammadan elected members.

Q.—In the old Councils before the Reforms Scheme came into force, when there was hardly any representation, do you remember of any case in which any Muhammadan was returned as a Member of the Central Provinces Legislative Council ?

(Witness could not reply)

Q.—You have been very thorough in your opinion that there should be no communal electorates. So you would not even mind if there are no representatives of minorities. Don't you think it would a better state of things to have all classes represented in your Council ? I mean all interests should have, at any rate, a chance of being heard ?

A.—Yes, all interests but not all classes.

Q.—After all communities apparently in our country to a certain extent form interests, at least they have a tendency to form interests ?

A.—I do not know that.

Q.—Have you ever thought of an alternative by which, on a common electorate, it is possible to get these various interests represented by means, for instance, of multi-number constituencies or proportional representation or anything of that kind ?

A.—At one time I considered this question and I thought that the members of a particular community can be elected by a joint electorate.

Q.—At present we have one member constituency, and the majority will have their representatives. But suppose there are large constituencies electing 4 members. It is possible, for instance, for a number of voters slightly exceeding one-fifth to get a member to be their representative.

A.—Yes, it is quite possible.

Q.—It is absolutely certain that they will get a representative ?

A.—Yes.

Q.—There will be constituencies extending over three or four districts, but supposing we have.....

A.—I should like to have a clear statement of facts, before you expect me to reply to this question. We are rather confusing the real issue. Supposing there are several communities Take the city of Nagpur for

Brahmin community is in a minority there. But still at the last election it was the Brahmins who were elected there.

Q.—And no other ?

A.—No other.

(*Mr. Chairman*).—*Q.—The proposal is that you should have a very large constituency returning 4 members in order to secure minority representation ?*

A.—In the Central Provinces only one constituency is a plural constituency. All other constituencies are single man constituencies ?

(*Mr. Chairman*)—*Q.—But if they were plural constituencies ?*

A.—Then it will mean that you will have to put several districts together. I do not think that system will work well. It will cause confusion and will be very expensive

(*Mr Chairman*).—*Q.—Such a constituency will be very large , or, in other words, the Council will have to be very large ?*

A.—Yes.

Q.—Now I shall ask you about your proposal for the qualifications of membership. All my other colleagues have also asked you questions about this subject. What do you mean by administrative experience ? Do you consider the experience on local bodies the only possible administrative experience ?

A.—Not necessarily.

Q.—I suppose your experience as a Director of Co-operative Societies would be supposed to be an administrative experience ?

A.—Yes.

Q.—Would you consider a man like myself who is the head of a college to have administrative experience ?

A.—I do not know what administrative experience you have had

Q.—Would you consider a large landholder who is managing an estate which brings him an income of, say, Rs. 25 lakhs a year to have an administrative experience ?

A.—No. I will not consider him to be a good administrator because he administers the affairs of an estate which yields him an income of 25 lakhs of rupees per annum. This sort of experience is quite different from the experience of administering public affairs.

Q.—You would therefore practically confine your administrative experience to an experience on local bodies ?

A.—I do not say that at all. As a general statement I would say that the working on various public avenues that are at present open to Indians is an administrative experience.

Q.—What other public offices would there be ?

A.—The Co-operative Societies and the local bodies. That is all I can think of just at present.

(*Sir Muhammad Shafi*).—*Q.—Retired District officers, for instance ?*

A.—Yes.

Q.—So according to you the holding of a Government post would be an administrative experience but the managing of a college would not be ?

A.—I have never said that

Q.—You suggested that Ministers should not be really practically nominated by the Governor but the Legislative Council should have something to do with their appointment. Your suggestion was that they should be appointed out of a panel. What do you think of a proposal like this. The Governor may first of all nominate the Ministers, but as soon as they meet their Legislative Council for the first occasion the first motion that should be placed before the Legislative Council should be a motion of confidence in the Ministers ?

A.—It comes to the same thing.

Q.—If they do not get this vote of confidence they should immediately resign ?

A.—If a vote of confidence is passed then it is distinct evidence of the fact that the Ministers do enjoy the confidence of the Council. But if the Council sits quiet and does not pass either a vote of confidence or a vote of censure, then we may assume that the Ministers do enjoy the confidence of the House.

Q.—You have further considered that the three years period is too small a period and that you want the duration of the Council to be extended to five years ?

A.—Yes.

Q.—What is your particular reason for it ? Is it because the Executive Councillors are appointed for a period of five years ?

A.—Yes, that is one of the reasons. The other reason is that the Ministers do require some time to understand the administrative machinery and if they want to make any radical changes or some substantial changes they must have time. They do require some time to consult public opinion and to gain the confidence of the public.

Q.—Your idea is that if they pass any measures in the third year they would like to put them into actual practice in the next two years if they are getting on well with their Council.

A.—Yes. At present however the Ministers do very little in their third year because they are busy with their own election.

Q.—What was your experience of Council Secretaries in the Central Provinces ?

A.—I have already mentioned in my note that my experience about Council Secretaries is not quite hopeful.

Q.—Then why do you advocate the retention of the Council Secretaries ?

A.—The reasons given for their retention are quite different. I think if proper remuneration is given to the Council Secretaries they would be very helpful.

Q.—What were they paid in your province ?

A.—In the beginning the pay was fixed at Rs. 250 a month each. This was afterwards reduced to a handsome figure of Rs. 2 per diem. You cannot expect a business man or an intelligent man to work as Council Secretary for this sum.

Q.—You make a great point of the fact that Ministers were not taken into confidence with reference to reserved subjects and still Ministers had to suffer unpopularity. Can you suggest any remedies for this ?

A.—There should be general consultation.

Q.—Were you shown all the papers with regard to reserved cases ?

A.—No.

Q.—So whenever you were asked for your opinion in a Cabinet meeting about reserved subjects you had to give it on the spur of the moment ?

A.—In some cases we were shown the files.

(*Mr. Chairman*).—Q.—When there was a joint meeting, were you shown all the papers with regard to the joint meeting ?

A.—Yes.

Q.—But if you wanted some other papers could you call for them ?

A.—No.

Q.—If a case was to come before you and suppose you wanted some further papers to study that case, could you call for those papers ?

A.—Not, unless it had direct connection with some case which was pending disposal before a Minister.

Q.—Did you take any steps to get over this unpopularity naturally attending upon your position ? You were considered to be a mere Government man and therefore you practically lost the character of a representative in the eyes of the public. Did you tell the people that you were not responsible for these things and so on ?

A.—No, I could not tell them that

Q.—Why could you not ? You could easily tell them ?

A.—I took it that it would be a breach of faith on my part to expose the other half of the Government.

Q.—You could tell them, according to the constitution, this is a reserved subject and you are not responsible for it ?

A.—The natural question would be, "What did you do to influence the policy of the reserved half of the Government ?" Then I would have to tell them I did so and so in the Cabinet ; my opinion was so and so, but the other half did not mind me. That is giving away the whole case.

Q.—You have mentioned that Ministers cannot record minutes of dissent. What is the use of recording minutes of dissent ? There are certain cases which come before Government which belong to both sides, in that case did you ask for permission to record your minutes of dissent ?

A.—Yes.

Q.—Was it given to you ?

A.—No.

Q.—If there were certain communications from the Government of India about questions of policy which might be considered at a joint meeting, say, for instance upon the general question of the political situation or the general advance of the Reforms, or things like that, was your opinion taken ? You gave your opinion ?

A.—Yes.

Q.—Did you ask that your opinion be forwarded to the Government of India ?

A.—Not on those occasions.

Q.—Would it be allowed if you asked ?

A.—No. In one case I did it and I was told I had no right to do it.

Q.—You were told you had no right to send your opinion to the Government of India ?

A.—Yes, or to record it.

Q.—Did you at any time exercise your right to abstain from voting on any reserved question ?

A.—No, I did not exercise that right.

Q.—But you had that right in the Legislative Council ?

A.—There was a difference of opinion on that point, and we always took the view that to remain absent from voting practically meant that we differed from the Executive half.

Q.—You did not vote against each other, but you could abstain from voting, but you never exercised that right ?

A.—No.

Q.—Why did you not ?

A.—For this reason : I did not want to expose the other half of the Government. I was very loyal to the other half of the Government.

Q.—What were your relations with the heads of departments generally ? So far as the impression made by your note is concerned, the relations between the heads of your departments and the Secretaries were not very cordial ! They tried to get round you somehow or other ? Was it a racial question ?

A.—No, I do not think so.

Q.—In regard to questions of services in which European members were concerned ?

A.—No I do not attach any racial importance to that question ; but probably they thought this is a new man who was practising at the Bar for some time and has had no administrative experience, and why is he so very assertive.

Q.—So they were rather jealous of your going over their heads all of a sudden ?

A.—No, I do not say jealous.

Q.—They did not reconcile themselves to that position of a pleader coming in over their heads ?

A.—Probably they thought I should abide by their advice, but I do not think they were jealous.

Q.—You used to be overruled by the Governor in points of detail ?

A.—Yes.

Q.—Did you represent to His Excellency that being overruled in points of detail in this manner undermined your position very much ?

A.—Yes.

Q.—And that your position really became very undesirable ?

A.—Yes, I represented it.

Q.—You say that even in postings you were over-ruled. Did these files about postings come to you ?

A.—Yes.

Q.—And you made your minutes and your opinion was not accepted generally ? The Governor took his own point of view ?

A.—Yes.

Q.—You think this is one of the great drawbacks of your position ?

A.—That is one of the drawbacks, whether it was great or small I cannot say. But for the Governor to interfere in details is not, I think, a very desirable position.

Q.—What is your settled policy which you mention in regard to the services in paragraph 66 ?

A.—It is only in one class of cases that there was a settled policy.

Q.—You mean settled policy on the part of the Government ?

A.—Yes. My proposals with regard to pensions, etc., were generally upset, except in one or two cases.

Q.—Did you give any reason for this upsetting of these proposals ?

A.—Yes.

Q.—Can you give us one or two instances of this ? I want to know on what grounds it was, I do not want any names. Suppose you suggested that a man should be posted to one particular division in the Educational Department ?

(*Mr. Chairman*)—If you prefer to give this evidence in private, Mr. Kelkar—(*to Mr. Paranjpye*) Do you wish to press the point ? Don't you think we had better have that in private ?

Mr. Paranjpye.—Yes, I quite agree.

Q.—You refer to the Finance Department, and say in regard to loans that they would only sanction any loan which was for a remunerative purpose ? Don't you know that there is another clause to that, that if you were to establish a sinking fund for the loan, then, even if it was not remunerative, such a loan would be allowed ?

A.—Yes.

Q.—If you had a sinking fund to get rid of that loan in a short time and pay the interest from your budget, the loan would be allowed. Have you made a proposal like that ?

A.—I am not quite clear about that rule.

Q.—Look at rule 2 (a) sub-clause (ii) “ If the project appears to the Governor General in Council unlikely to yield a return of not less than 6 per centarrangements may be made for the amortization of the debt.” Had you made a proposal like that ?

A.—My proposal was that provision should be made for redeeming this loan out of the revenues.

Q.—From your own budget ?

A.—Yes.

Q.—But still it was not sanctioned ?

A.—No.

Q.—Then in paragraph 121 where you say you had some controversy with the local Home Member, did you call for a joint meeting on that occasion ?

A.—There was no occasion to call for a joint meeting ; everything was done beforehand.

Q.—Could you call for a joint meeting under the rules ?

A.—I think the Ministers can.

Q.—Had you any occasion to call such meetings ?

A.—We did suggest it and the Governor did call for a joint meeting.

Q.—Is there any provision in the rules ?

A.—I have not been able to find it.

Q.—It is only a favour of the Governor ?

A.—I do not know if it is a favour or an unwritten right of Ministers.

Q.—Do you think the method of appointing two Ministers independently of each other is the better rule, or having one Chief Minister and asking him to appoint colleague ? Which of these two things would you recommend, either in the present dyarchy or even if dyarchy is done away with and local provincial autonomy is given ?

A.—That means the Chief Minister would be the boss of the other Ministers ? I think the position would be intolerable in that case. I would not like to work it

Q.—You know in Madras there is a Chief Minister and he gets his colleagues ?

A.—That means the Governor sends for the man who represents the party in power and asks him to select his Colleagues. There is no objection to that. But if you say the Governor should in the first instance appoint a man as Chief Minister and then delegate to him the power of appointing his other Ministers, I think it would be open to some objection.

Q.—That would be a Cabinet. The Prime Minister is responsible for that Government and the whole Cabinet will go if any proposal sanctioned by the whole Cabinet is rejected by the Legislature ?

A.—But what do you mean by Chief Minister ? It means the other Ministers would have to act under and be subordinate to the Chief Minister ?

Q.—Their policy would have to be discussed together ?

A.—What are the functions of the Chief Minister ?

Q.—The Premier in England, what are his functions ? The same functions. One man should be asked to form his own cabinet.

A.—That means the Governor must consult the wishes of the Council.

Q.—You do not believe in the appointment of a Chief Minister or Premier ?

A.—No.

Q.—If you were asked to form the Ministry ?

A.—That is another thing.

Q.—In that way don't you think it would be possible to command always a majority in the Council, if one man selects his colleagues from such groups, that each group would command a certain number of votes and the total of those votes would be a majority in the Council ?

A.—You must appoint such number of Ministers as there are communities in the Council.

Q.—Not necessarily, but sufficient to command a majority. Suppose there are four or five groups, three would command a majority, and the Ministers should be taken from those three groups, provided they have a majority of votes in the Council ?

A.—Practically it comes to the same thing that we have to consult some of the leading members of the Council.

Q.—I would say the Governor should not consult leading people ; he should only take such men as he is able to make up his Cabinet with to command a majority in the Council. You do not agree with that ?

A.—I am not in a position to disagree with you at present because I have no practical experience of it.

Q.—Now, when you accepted your position as Minister you had certain ideas about the working of dyarchy, about the good you would be able to do and the methods in which you would work. Do you think those ideas were fulfilled during your experience of office ?

A.—That is a very general question.

Q.—I just want your general feeling only.

A.—I had certain ideas, and I have said that so far as policies were concerned I was able to go through those ideas.

Q.—Do you think even under the present rules if there had been a different spirit animating those rules in the minds of the Governor or the bureaucracy, this dyarchy would have shown better fruits ?

A.—I don't know. I cannot say. It is a very difficult question to answer ; it is very difficult to read the minds of people, what is at the back of their minds. We can only judge them by outward actions.

Q.—I mean what is your impression ?

A.—I don't think it would have worked well.

Q.—You don't think under the best circumstances dyarchy would have worked properly ?

A.—I don't think so.

(*Mr. Chairman*)—*Q.*—Although you were able to carry out your general policy ?

A.—Yes.

Q.—That is all. I merely wish to obtain a clear answer.

Sir Tej Bahadur Sapru.—*Q.*—Before you became a Minister you were known in the Province as a very keen worker in the cause of the Co-operative movement ?

A.—I hope so.

Q.—You were a Governor ?

A.—Of the Co-operative Federation, yes.

Q.—Now your work under the Co-operative Federation brought you into very direct and close touch with the village people ?

A.—Not only as a Governor but also as a worker in a bank. I was director of a bank.

Q.—Now when you were in this co-operative movement for a number of years and made an appeal to the villagers, were they able to appreciate its benefits ?

A.—Appreciate the benefits of the co-operative movement ? Yes, they were.

Q.—And do you think your work in that sphere had some educative effect on the general public so far as co-operation was concerned ?

A.—Yes.

Q.—Now when the Primary Education Bill was passed in the old Council in 1920 was that Bill a Government measure or was that Bill really a private member's measure ?

A.—A Government measure.

Q.—Now was there any opposition to that Bill in the old Council ?

A.—No, there was no opposition to the Bill. The general principles were accepted, but the non-officials wanted to improve it further.

Q.—Further than the Government went ?

A.—Yes.

Q.—In what way did the non-officials want to go further ?

A.—I was the person who moved a number of amendments.

Q.—Will you just give us a general idea ?

A.—Well, in the first place, my idea was it would not be safe in the present state of things to leave primary education only to the local bodies ; the Government must reserve to itself certain rights of forcing local bodies to introduce primary education.

Q.—Were you an advocate of compulsion ?

A.—Yes, that is, compulsion not only on the parents to send their children to school but compulsion on the local bodies to introduce compulsion.

Q.—That was your view ?

A.—Yes.

Q.—And the Government were not prepared to accept your view ?

A.—They were opposed to it.

Q.—Then when you came into office as a Minister and had to work it, were you able to give effect to your policy of compulsion more or less so far as primary education was concerned ?

A.—It could not be done because before I came into office the rules under the Act were not framed. The rules had to be framed and explained to the local bodies. The financial position had to be considered and before that was done I could not think of compulsion, because as soon as I thought of compelling the local bodies the local bodies would at once ask me for some financial support and I had no money.

Q.—Now you were in charge of primary education for three years. Will you please tell the Committee what was the state of primary education when you took office and what was the state of primary education when you came out of office ?

A.—So far as attendance at the schools was concerned the state of primary education in the province taken as a whole was much better when I accepted office. The reason was that on account of the Non-co-operation movement several children were taken out of school and it took some time to induce the parents to send them back to school. It was not due to the Minister or to dyarchy or the Legislative Council or the form of government. Non-co-operation was entirely responsible for the falling off.

Q.—Did the numbers go up again ?

A.—Yes, it has risen now.

Q.—Did you multiply the number of schools, primary schools, I mean ?

A.—There was no necessity because many of the existing schools were empty—on account of the Non-co-operation movement.

Q.—And with regard to secondary education, what was the state of things in your province ? Were you in charge of that ?

A.—Yes, I was in charge of secondary education also.

Q.—What was the state of things in your province ?

A.—There also if you look at the numbers there was a falling off in the numbers on account of the Non-co-operation movement

Q.—But there was an upward tendency again when you left office ?

A.—Yes, in fact in some cases admission had to be refused ?

Q.—Towards the end of your official career ?

A.—Yes, in some high schools.

Q.—Why ?

A.—For want of accommodation and the boys had to go to some other schools.

Q.—You were responsible for the establishment of the Nagpur University ?

A.—Yes.

Q.—And also the High School Education Board ?

A.—Yes.

Q.—On the lines recommended by the Sadler Commission ?

A.—Yes.

Q.—And were you able to find the money for the University in your Province ?

A.—No, I did not like to wait for the money. Money would come afterwards. My first duty was to establish the University and leave it to the people to find the money.

(*Sir Muhammad Shafi*).—*Q.*—Did you actually originate the proposal for the establishment of the Nagpur University ?

Q.—Were you the author of the idea of a University there or did you borrow the idea from somebody else ?

A.—We had been thinking of establishing a University in the Central Provinces for some time.

(*Sir Muhammad Shafi*).—*Q.*—Or did you not merely carry out a proposal which has already been sanctioned by the Government of India ?

A.—Well, I do not remember exactly but the proposal for establishing a University at Nagpur had been under consideration for some time—20 years.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember that the non-official representative of your province moved a Resolution in the old Imperial Legislative Council before the introduction of the Reform scheme when I was Member in charge of Education and the Government of India accepted the Resolution ?

A.—Yes, I remember that. That is what I say. The scheme had been under the consideration of Government for nearly 20 years.

Q.—But you were able to initiate the measure. Whether the Government of India favoured it or not the fact is you were able to establish the University and you held yourself financially responsible ?

A.—Yes.

Q.—You held yourself financially responsible for the measure and our measure had to come up in the ordinary way as a Bill to the Government of India for sanction ?

A.—Yes.

Q.—Well, now I should like to put you a few questions with regard to the depressed classes in your province. Will you please tell the Committee what is exactly meant by the expression "depressed classes" in our province ; who are the people comprised in that phrase ?

A.—Almost all the aborigines—the *Gonds*, the *Baigas*, the *Mahars*, *Hamars* and *Mehtars*—all untouchables, as they are called.

Q.—What about the *Tellis* ?

A.—Some are, some are not. The *Tellis* and the *Bharais* or carpenters are included in that category.

Q.—Now with regard to these depressed classes will you please tell the Committee what is the general feeling of the principal classes of the Indian community in your province ?

A.—It is generally in favour of elevating the depressed classes.

Q.—Is that feeling confined to any particular section of the community or is it general ?

A.—It has become general now.

Q.—Very well, I understand that there was a Resolution moved in your Council with regard to the depressed classes being allowed the privilege of drawing water from common wells.....

A.—And also for using sāras in common with other people.

Q.—Now will you please tell the Committee who moved that Resolution ?

A.—A member of the depressed classes.

Q.—Then what was the attitude of the Brahmins who were members of your Council towards that Resolution ?

A.—Well, I was placed in charge of the Resolution—I accepted that Resolution.

Q.—You are a Brahmin ?

A.—Yes.

Q.—You accepted the Resolution and it was carried ?

A.—It was carried in the Council.

Q.—Now, what was the state of voting in your Council.

A.—There was no dissenting vote.

Q.—Now let me tell you I have read references to it in the press in England saying it was the Brahmins who destroyed that Resolution, and a very eminent member entered into a controversy with me over his own signature. You were the Minister in charge and you are prepared to say that that Resolution was accepted and supported by the Hindus. Were there any dissenters from that Resolution ?

A.—One or two dissenters I believe there were.

Q.—Who were they ?

(*The Chairman here suggested that the proceedings of the Central Provinces Legislative Council with regard to that Resolution might be circulated to the Committee.*)

A.—If it is permissible for a witness to volunteer any information, I may say something in connection with it. That Resolution was passed but some members of the Government were opposed to it—not the Brahmin members but other members of the Government.

Q.—Were they Indians or Europeans ?

A.—Not Indians. And they put it to me in this way.—If this Resolution is accepted by Government or not opposed by Government, then there will probably be a breach of the peace, so in the interests of maintaining peace and order it would be proper not to accept the Resolution.

(*Mr. Chairman*).—It was not opposed on the ground of caste feeling but merely on the ground that it would lead to trouble ?

(*Dr. Paranjpye*).—But you were prepared to face that trouble ?

A.—I was prepared to face that trouble. I said let it come once : we must have it because without breach of the peace we cannot have any reforms in this direction.

Q.—I do not subscribe to that, but of course, the witness is at liberty.

A.—I was responsible for the view that there would be no breach of peace. I was sure there would be no breach of peace.

Q.—Was there in fact any breach of peace after that ?

A.—No. On the contrary, I see now that some of the municipal committees have taken up that resolution very seriously, and they have also issued *ishtihars* or proclamations in their own towns prohibiting people from preventing these depressed classes taking water from the wells or using the *sarvas*. Another thing is that immediately afterwards, that was probably in the month of October 1923, the Jagat Guru Sankaracharya came to Nagpur and delivered a public lecture there in the course of which he said that Central Provinces Legislative Council had done the best thing.

Q.—Am I right in assuming that so far as your province is concerned it shares the general feeling among the Hindu community in this country now in favour of the depressed classes ?

A.—Yes.

Q.—May I draw your attention to a speech made as recently as 21st July last by your Governor on this question. I will only read two or three sentences. In reply to an address presented by the *Mahars* His Excellency said, “ From your address I think that your views regarding the future of your community are unduly pessimistic. During my long service I have seen a great advance among the depressed classes—an advance to my mind greater than has been made by any other community within the same period. I have known individuals of the *Mahar* community rise to positions of importance and wealth and I find them taking part in the trade of the country, and some of the most important contractors are *Mahars*. Your education is increasing rapidly, and I find a demand amongst *Mahars* for facilities for primary education.... ”. He also refers to the appointment of a *Mahar* as a Naib Tahsildar. Do you generally agree with His Excellency with regard to the *Mahars* in the province ?

A.—Yes.

Q.—Do you ?

A.—Yes.

Q.—Leaving aside the *Mahars*, I will take the case of the *Chamars* in your province. What is the state of things in regard to the *Chamars* in your province ? Are they making any progress ?

A.—Not as much as *Mahars*.

Q.—But are there any strong prejudices against them also now ?

A.—No.

Q.—Will you please tell us what is the position with regard to the aborigines in your province—the *Ghonds*, the *Bhils* ?

A.—There was never any religious prejudice against them. They were not considered to be untouchables, they were never considered to be so. Although as regards some of the castes like *Powars* who refused to take water brought by them, still I do not think that there was any serious objection, on that score. They were never regarded as untouchables.

Q.—With regard to the admission of these people into the temples what is the position in your province ?

A.—In the temples there is some objection—in private temples.

Q.—In regard to public temples ?

A.—There are no public temples in the Central Provinces, i.e., temples built and maintained out of public revenues.

Q.—In regard to the temples, I suppose, you as a Hindu know that there are certain castes which are not untouchables and which do not belong to the depressed classes, which too would not be allowed admission in certain classes of temples ?

A.—That is a fact.

Q.—I am talking of the Hindu community.

A.—Yes.

Q.—A man may be a non-Brahmin and he may not be a member of the depressed classes, he may not be a member of the untouchable classes, and yet he may not be allowed admission into a certain temple ?

A.—Yes.

Q.—And that would not by any means imply any social degradation in the eyes of the Hindu community ?

A.—No.

Q.—Or any one else's eyes ?

A.—No.

Q.—Therefore, am I right in assuming that you can look forward to the future of the problem of the depressed classes and untouchables with hope in the near future in your province ?

A.—Yes.

Q.—And can you say from your knowledge as a member of the Government that there was any resolution passed or anything done by members belonging to the upper classes of the Hindu community in your council which was directly detrimental to the interests of the depressed classes ?

A.—None to my knowledge.

Q.—I will now pass on to the Muhammadans in your province. You said that you would not favour any separate electorate, but I suppose you will agree with me that generally it is a sound principle that if there is

a minority that minority in the constitution should receive adequate protection. I am not talking of the ways and means by which it should be done. You do not take exception to that general principle. If there is a minority which feels that it should receive protection, it should receive protection. I want you to say whether you agree with me in that principle as a general proposition. Suppose in a particular country there is a minority which says that its interests require protection ; then do you agree with the principle that it should receive protection, or do you think that the minority should receive no protection. I am not talking of the ways or means. With that I will deal later. Do you think the principle is sound or unsound ?

A.—I think it is unsound for this reason. That means that the minority suspects the other people. There is the element of suspicion and I want to do away with the element of suspicion.

Q.—Now, Mr. Kelkar, supposing the Muhammadans of India were to tell you that the only condition on which they can come into line with you towards any scheme of reforms is that they must get their interests, whatever they may be, adequately protected, and if you are not prepared to guarantee that protection to them they would not only withhold themselves from your scheme but they would actively obstruct you. Would you rather that they obstructed you, or would you rather make a concession or whatever you may call it, in their favour so as to get along ? I put to you that proposition.

A.—I would be prepared for the latter contingency. That is to say, I would be prepared to forego all these reforms because I do not believe in these reforms and in these councils which are divided into communal compartments.

Q.—Then you would not on any account make any concession in favour of any minority ?

A.—No. If you make a concession in favour of one community, you will have to do it in the case of other communities too. A feeling of suspicion arises.

At this stage the Committee adjourned till 10-30 A.M., on Monday, the 11th August 1924.

Monday, the 11th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock. Sir Alexander Muddiman in the Chair.

Examination of Mr. Kelkar—(continued).

Sir Tej Bahadur Sapru—*(contd.)*—Q.—Mr. Kelkar, the last question that I put to you was about communal representation. Now, am I to understand that the views, which you expressed on this question on the last occasion, are your individual views or whether those views are the views of the Hindu community in the Central Provinces at large ?

A.—I have expressed them as my individual views and based them on such experience as I have been able to get during the last 3 years.

Q.—But what I want to know is whether the Hindus at large, at any rate the political classes of Hindus at large, do share your views generally speaking in the Central Provinces ?

A.—As a matter of principle they say that my view is entirely sound, but as a matter of practical politics or expediency they say that it ought not to be pressed just now.

Q.—And when you expressed your views with regard to the Hindu Muhammadan problem on the last occasion had you the Central Provinces mainly in view or did you take into consideration such provinces as, say, the United Provinces, the Punjab or Bengal where, you will agree with me, the problem is really acute ?

A.—I have heard that the feelings in the other provinces is rather more acute than in the Central Provinces, but what I say is that the poison spreads to other provinces. If it is acute in one province, it spreads to other provinces also, and then it becomes very difficult to resist.

Q.—But what I wanted to make clear was as to whether you would enforce your views only with regard to the Central Provinces or whether you would enforce your views with regard to the rest of India ?

A.—I do not know if I have got power to enforce my views.

Q.—If you could ?

A.—If I can, taking that as a hypothetical case, I think I can enforce it without offending the feelings of the Muhammadans in the Central Provinces.

Q.—You will perhaps agree with me, or you can say that you do not, that in any scheme of political advance in this country the basis of it must be Hindu Muhammadan unity.

A.—It is absolutely necessary that there must be Hindu Muhammadan unity. There must be unity not only between Hindus and Muhammadans but between all the communities. That is absolutely essential.

Q.—And if it should so happen that any particular community at the present moment, take for instance the Muhammadans, think that that unity can be promoted in a particular way, such for instance as their representation by special electorate, would you oppose the promotion of that unity in that way ?

A.—I would not do anything that is likely to oppose the progress of unity, but I believe that my method is the better of the two.

Q.—You prefer your method, but you would not oppose the other method if you think it would lead to unity ?

A.—Oh “if you think”, but I do not think so.

Q.—Any how you are quite clear about your views in this matter ?

A.—Yes, and I think that although in the beginning there might be some troubles, in the end we shall be able to square up if we act conjointly. That is my individual view. On the contrary I believe that the opposite method, the other method suggested by those who are certainly more competent than myself—I am nothing in comparison with them—will lead to many troubles ; and I find in practice that this feeling for communal representation, for increased communal representation, is spreading to a very

dangerous extent. If you will permit me, I will not take up a very long time, I will place before the Committee what has come to my knowledge. And if in spite of what has come within my knowledge and if it is a fact that the members of the Committee desire to take an opposite view, then I shall certainly abide by whatever the decision the other people may give. I will not revolt against it. But I must place before the Committee the experience that I have had.

(*Sir Muhammad Shafi*).—Q.—Don't you think that in the existing conditions—and I am only speaking of the existing conditions—mixed electorates furnish the periodically recurring cause of friction between the two communities?

A.—I have been hearing these expressions "existing conditions" and "present conditions" since a very long time, but I do not know when these conditions are likely to change.

(*Sir Muhammad Shafi*).—Q.—Under the existing conditions don't you think that mixed electorates furnish the periodically recurring causes of friction and the result is that bitterness is continued?

A.—That is what I was going to explain. My contention is that the present state of things is brought about by the rules framed under the Govt. of India Act. It is these rules that have in a way given impetus for claiming more and more communal representation. Not only in the representative institutions such as the legislative bodies but also in the local bodies this feeling is noticed. In the Central Provinces, for instance, we have had the representative institutions for more than half a century. We have never heard of communal representation. If you will look at the Acts and the Rules framed under the various Acts you will find that we have never heard about these communal representations at all until only very recently. When I introduced the Central Provinces Municipal Bill an amendment was sent in for the first time that there should be communal representation. I opposed it. Then take the Nagpur University Bill. Besides, I fail to understand what has education got to do with communal representation.

(*Mr. Chairman*).—I think we have heard your views sufficiently on this point.

Q.—I will not examine him further on this point. Mr Kelkar, in reply to certain questions put to you by certain of my colleagues you said that you would like to raise the standard of qualification of the candidates who stood for election and that you would insist upon a certain amount of administrative experience on their part and you would also probably insist on certain educational qualifications. May I point out to you that this view of yours is open to the obvious criticism which is sometimes levelled that it will create an oligarchy in India.

A.—I have said so in my note. It is open to that criticism. But when I wrote my note I had in my mind certain speeches made very recently by persons who now hold responsible positions under Government. It was on account of these speeches that I was induced to place this view before the Committee. I know that there are certain difficulties in the way of framing rules. For instance, who should be considered a competent man for the purpose of election? But that difficulty can be got over by devising some means. But supposing if we retain this communal representation.....

Q.—I am not talking of communal representation....

A.—But this communal representation has direct connection with this I had finished with it for the present, but it has got a direct connection with this suggestion of mine also.

Q.—My point is this. Suppose you are told that this suggestion of yours would lead to the concentration of political power into the hands of a few. Would you fight shy of that situation ?

A.—I may at once say that I would like to draw your attention to my note in which I have recognised this difficulty. But I want to place before the Committee the other difficulty.

Q.—My question is a very simple one ?

A.—It is open to that criticism and I have said so in my note.

Q.—Supposing political power were passed into the hands of what are called the educated classes, I put it to you whether you would have sufficient confidence in their patriotism and in their unselfishness to deal with their uneducated men fairly and properly ?

A.—If they are not unselfish then they are not educated.

Q.—Have you sufficient confidence in them ?

A.—Yes.

Q.—Do you think that they will be able to appreciate the feelings and sentiments of their uneducated and poorer fellow-countrymen much better than the present system allows the administrators to do ?

A.—Certainly.

Q.—Coming now to the question of dyarchy. If you were asked to say whether in your opinion, taking everything into consideration, dyarchy has been a success or failure, what would be your answer ?

A.—Failure.

Q.—Would you say that dyarchy has been a failure because of the circumstances in which it was introduced or because of some of the inherent defects of dyarchy ?

A.—There are inherent defects in dyarchy. And what are the circumstances, they should be enumerated.

Q.—For instance, it is said that it was introduced in an atmosphere of political hostility and at a time when there was considerable excitement in the country and that it was not given a fair trial. What would be your answer to that ?

A.—Even if it was introduced in a favourable political atmosphere I maintain that it would have been a failure. Men like myself entered into the Councils in spite of non-co-operation and in spite of the political feeling in the country ; we did not meet with any political opposition from the non-co-operators as such. Still we could not work the system of dyarchy successfully.

Q.—Therefore, I take it that your view is that there is a serious inherent defect in the constitution ?

A.—Yes.

Q.—You would probably treat it as a sort of incurable disease ?

Q.—If you think that dyarchy is an inherent defect in the constitution, would you end it or mend it ?

A.—We cannot mend it without ending it.

Q.—Therefore, you would kill it ?

A.—Yes.

Q.—Now, having done away with dyarchy, which you consider to be a very serious defect in the constitution, what would you give us in its place ?

A.—Full responsible government in the provinces. I would also do away with the distinction between the transferred and the reserved subjects.

Q.—Would you please inform the Committee whether you can give effect to your desire for full responsible government in the provinces under the present Government of India Act ?

A.—No.

Q.—Supposing you were told that it was possible to frame certain rules or regulations consistently with the Government of India Act as it is at the present moment and that the effect of these rules and regulations would be to remove many serious defects, if not all, that exist in the present system, would you be satisfied with that ?

A.—No, because the defects may be removed in the working by means of rules, but you cannot remedy the inherent defect.

Q.—When you talk of responsible government in the Provinces, do you suggest that you would have no control of the Government of India otherwise it would not be responsible ?

A.—Yes.

Q.—That is to say, you would not have any control of the Government of India over the provinces ?

A.—Yes.

Q.—But what about the control of the Secretary of State ?

A.—Then we will have nothing to do with the Secretary of State. If we do away with the immediate control we must necessarily also do away with the higher control.

Q.—May I draw your attention to section 19A of the Government of India Act ? Will you please read it carefully ? (The witness read the section). Now under section 19A, it would be open to the Secretary of State in Council by rule to regulate and restrict the exercise of the powers of superintendence, direction and control vested in him in such a manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919. Suppose the Secretary of State frames certain rules regulating and restricting the exercise of that power, would you look upon that state of things as amounting to provincial autonomy or full responsible government ?

A.—What sort of rules will he frame ?

Q.—Supposing he lays down rules generally restricting and regulating the exercise of the power of superintendence, direction and control in every matter ?

A.—Those rules must be consistent with the purpose of the Act. He cannot frame any rules inconsistent with the purpose of the Act and the main purpose of the Act is dyarchy and secondly there must be Secretary

This section may appear to be somewhat self-contradictory because in the first part of the section it is said that notwithstanding anything contained in this Act, etc., and the latter part of that section says that the rules must be framed to give effect to the purpose of this Act, the inconsistency apparent than real. What is meant is that the relaxation must not exceed the purpose of the Act.

Q.—At this stage will you please go to Section 131. It says "Nothing in this Act shall derogate from any rights vested in His Majesty, or any powers of the Secretary of State in Council, in relation to the Government of India." How would you reconcile section 131 with section 19A.

A.—As far as I understand the Secretary of State is responsible to the Parliament and he must frame such rules as are consistent with section 131.

Q.—Am I right in understanding your position to be that even if the Secretary of State desires to restrict his control or regulate his control under section 19A, he could not devise means under the present system ?

A.—No.

Q.—Then I suppose you have read the exposition of this matter by Sir Malcolm Hailey in his speech delivered in July 1923 ?

A.—Yes.

Q.—Am I to understand that you agree with Sir Malcolm Hailey's views ? Here is his speech in the Legislative Assembly's Debates.

A.—I think it has the same effect as the view I have expressed just now.

Q.—You agree with Sir Malcolm Hailey's views ?

A.—Yes, on the interpretation of the law.

Q.—If that view of Sir Malcolm Hailey is correct, then I take it your position is that a mere amendment of the rules or regulations will not give you what you want, namely, responsible government in the Provinces ?

A.—No.

Q.—Do you think your Province could be run successfully on those lines, that is if you had responsible government, you could manage it ?

A.—I am quite confident of that.

Q.—Do you think you have a sufficient supply of men in your Province who could run every Department of the administration successfully ?

A.—I think so.

Q.—But what about the electorate ? Do you think the electorate would be able to exercise sufficient control over its representatives, supposing there were full responsible government ?

A.—I think so ; if there is responsible government, then there will be less irresponsibility, and if any mistakes are committed by the Members or the Ministers, then surely the people will take care of themselves and see that such mistakes are not committed afterwards. Every elector may not be able to do so, but as a body, and under somebody's guidance, they will surely be able to do so.

Q.—What I want you to tell the Committee is whether in your opinion, the electorate is sufficiently intelligent, I will not say educated, to appreciate the nature of the administrative problems which really arise in the administration of a province. Take, for instance, your own Department.

A.—Things like that they can understand very easily. The police administration they can understand very easily.

Q.—What would be their attitude with regard to law and justice ?

A.—They would surely like to maintain law and order.

Q.—Do you think that the average elector in your Province has any correct appreciation of the issues involved in the administration of law and justice ?

A.—Certainly they have. Even an illiterate rustic knows his property is secure if there is peace and order.

Q.—And occasionally he does indulge in a riot ?

A.—When he is put up by some people, not otherwise. The general idea is that his property is safe when there is peace and order, that is the general impression. I leave out of account abnormal times and circumstances, but I take into consideration only normal times and circumstances, and in these times even an illiterate rustic knows his property and his *izat* are safe only when there is peace and order.

Q.—Supposing a political situation arose in the Province when you had to take strong steps for the maintenance of law and order, as a Minister do you think you would be supported by the Council and by public opinion in your Province ?

A.—Yes, I think if we get responsible government. At present we have no responsible government. At present we are not responsible for the consequences.

Q.—Do you agree with the criticism that the average Indian politician shrinks from taking strong steps at the present moment in support of law and order ? What is your explanation of that ?

A.—It is merely an argument invented for the purpose of opposing progress.

Q.—Could you substantiate it ?

A.—That is the inference one can draw from circumstances. In the first place the educated people have had no occasion up to now to shoulder the responsibilities of law and order. Of course we are going upon suppositions now and what we say is—take my case, when I was an ordinary Member of Council and when I became a Minister, I at once saw some difference in myself.

Q.—That is to say office brought you a certain sense of responsibility ?

A.—Yes, similarly if representatives in the Council see that they are responsible for everything, they will surely enforce law and order. It is the responsibility that makes people perfect.

Q.—But why do they shrink from supporting now any proposals for the maintenance of law and order ? How do you account for that ?

A.—How can you say that they shrink now.

Q.—It is for you to answer ?

A.—If I can get any concrete example, then I shall say whether they really shrink. As a matter of fact, they do not shrink from it.

Q.—In point of fact it is said that when any strong action is taken by the Government to put down what is called lawlessness or disorder, or any tendency to it, the non-official members of the Council always show weakness for the perpetrations of those crimes or the sympathisers of those people. What is really the explanation of that ?

A.—The real explanation of it may be found in this fact, that in the first place, the non-officials do not know the other side of the picture. In one part of my note there I have stated that all the facts and the grounds should be circulated to the Members of the Standing Committee. If all the facts and the grounds are circulated to the Members of the Council or made known to the Council, then I think they will take a different view ; but you simply ask them to judge or to express a one-sided or *ex parte* opinion. They do not know the Government side fully.

Q.—Now supposing you were a Minister of Law and Justice in your Province and you were face to face with a situation which required taking strong action, do you think that you could safely rely upon the support of your party in the Council in that event ?

A.—The general public you mean.

Q.—Supposing you were a responsible Minister in your own Province in charge of the Law and Justice Portfolio, and it became necessary for you to take some very strong action in the interests of law and order and peace, could you, in that event, safely depend upon the support of your own party in the Council ?

A.—I think, I could, if I explained the whole thing to them fully. If I took them into my confidence and did not keep anything secret from them surely they would support me. It is this thing that has led to all of this trouble in the past.

Q.—What thing ?

A.—The Members of Council are not taken into confidence, the non-official members. If you explain to them the real situation, even without showing them the confidential papers, they will surely take your word.

Q.—Did any situation arise in your Province during the last three years when the non-official members of your Council offered any strong opposition to any action taken by the reserved half of the Government for the maintenance of law and order ?

A.—The only case I remember at present is the Nagpur Satyagraha affair, but in that case there was no question of law and order as such, because everybody knew that there was not likely to be a breach of the peace.

Q.—Then what was the action taken by the Government ?

A.—The action taken by the Government in the first instance was to issue an order under section 144 of the Criminal Procedure Code prohibiting certain persons from taking the national flag along certain roads. They disobeyed those orders and they were afterwards prosecuted under one of the sections of the Indian Penal Code, which is a milder section, probably 188. That did not deter the people from disobeying the order of the District Magistrate. Then Government took drastic measures and took action under sections 109 or 120B or 118 and some such sections.

Q.—Then what was the attitude of the non-official members of the council ?

A.—The non-official members of the council opposed this action.

Q.—Why ?

A.—Because they maintained that it was not necessary to take these drastic measures. Even if people were allowed to take a national flag along certain roads, there was not likely to be a breach of the peace. And if you read the Council proceedings of that debate, you will yourself find

that the Government was not able to make out any case that there was going to be a breach of the peace. On the contrary what they said was there was an order and at any cost, right or wrong, the people were bound to obey it. It was on that account.....

(*Mr. Chairman*).—The question put to you was could you give any instance where the Council supported the enforcement of law and order. This apparently is an instance where there was no point of a breach of law and order.

Q.—Will you please turn to paragraph 70 of your Memorandum. There you say that “the most irritating or humiliating part of the whole business was that in cases in which my views differed from those of the heads of the departments or Commissioners I was asked to send the cases for the final orders of His Excellency.” May I know where was the occasion for you to feel humiliated ? You may have felt irritated. Will you please explain that ?

A.—This is merely a war of words ; you may take one word or another. I felt every now and then a person who in the eyes of the law was my subordinate was able to challenge the accuracy of my decision and say he was not going to abide by it, let it be sent to the Governor. I felt humiliated.

Q.—Am I to understand that you resented the attitude of your subordinates when they said they were not going to obey your orders, or that you resented such advice as it is their duty to give you before you came to a decision ?

A.—No, I did not resent their advice ; they had every right to give advice. I argued with them, but after the argument, when I passed the order, I expected them to carry it out.

Q.—And they said they would not, and the matter had to go to the Governor ? May I put it to you Mr. Kelkar, why did you not as a self-respecting Minister tender your resignation then and there ?

A.—I have given my reasons for it. In fact on one occasion I did, but my non-official friends and other people induced me to withdraw it, to stick on and gain experience I have said that in my note.

Q—Will you now please turn to paragraph 90. There I believe you are thinking of rewards. You say :—“With regard to the last my complaint is that I was never taken into confidence either by the heads of the departments in my charge or by His Excellency the Governor.” Were you ever told that while the heads of your department could make any recommendations to His Excellency the Governor, that it was not open to you as a Minister ?

A.—I did not say that the Governor ever told me that it was not open to me as a Minister to make any recommendations, what I said was that I was not consulted with regard to the recommendations received from my subordinates directly. The Governor told me that it was a confidential matter with which he could alone deal.

Q.—The awarding of titles and honours ?

A.—Yes, that was his exclusive privilege.

Q.—You say “ I was never taken into confidence by the heads of departments.”

A.—I mean the heads of the departments directly submitted their recommendations to the Governor.

Q.—Without consulting you ?

A.—Yes.

Q.—And you entered a protest ?

A.—Yes, in writing, and then in reply to that I was told it was not necessary to send recommendations through me.

Q.—Now we will pass on to paragraphs 101 and 102. I don't want you to mention the name of a single officer, I am only asking generally one or two questions. You say there in paragraph 101 : "It was the settled policy of the Government to allow local bodies freedom in the administration of the statutory duties including appointments of their servants. In spite of this policy, the Commissioner", I am leaving out the name of the place, "refused to confirm the appointment of one man whom the Municipal Committee wanted to appoint as their Secretary." I don't want you to name either the Commissioner or even the district. Then you say "The Municipal Committee represented the matter to me for orders. On examination of the Berar Municipal Act, I found that the local Government had no power to revise the orders of the Commissioner and hence I had to reject the Committee's representation." Now as a Minister weren't you bound by the Berar Municipal Act ?

A.—Yes, therefore I rejected the Municipal Committee's representation.

Q.—With the result that the Commissioner's view prevailed ?

A.—Yes.

Q.—What was your grievance then ?

A.—My grievance was that I told the Commissioner "This is the policy of the Government and the order which you have passed is not in accordance with this policy." I therefore requested him to reconsider it.

Q.—And he declined ?

A.—He declined.

Q.—Then, will you pass on to paragraph 108 ?

(Dr. Paranjpye) —Q.—Before you pass on to another subject I should like to put one question. Is it not possible for you to take away the power from the Commissioner in the future ?

A.—The Act has been amended now and the power has been taken away.

Q.—At that time you had not that power ?

A.—At that particular time I had not that power.

Q.—Now, will you pass on to paragraph 108. You say : "In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over departmental expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature. This suggestion needs further scrutiny or examination, but until some such step is taken it would be difficult to "check the annual vagaries." Am I to take it that what is at the back of your mind is that the position of services should be safeguarded by an Act of the legislature ?

A.—Yes.

Q.—You would not object to it ?

A.—No.

Q.—Now, when you talk of the services, I suppose you include in that expression both the All-India services and the provincial services ?

A.—Yes, I include the provincial services.

Q.—Now, what is your idea about the security that you would give to the services ?

A.—That is to say, they must be free from these annual vagaries. For instance, if we appoint a certain number of persons as Inspectors this year on a certain salary, next year the Legislative Council should not have the power to say " We don't want so many inspectors now ; let them be dismissed and their services dispensed with ; or let their salaries be reduced."

Q.—But perhaps you will agree with me that it is vitally necessary for the successful administration of responsible government or any government that the services should be not only honest but independent and free from political corruption ?

* *A.*—Yes.

Q.—And for that purpose perhaps you will agree that it is necessary to secure their interests ?

A.—Yes.

Q.—Then, when you use the word " interest " do you include in that their emoluments—that is to say, salaries, allowances, pensions ?

A.—Yes.

Q.—And what about promotions ?

A.—That is an administrative matter. All administrative or disciplinary matters must be left entirely outside the jurisdiction of the Legislative Council. What I mean is that the Legislative Council should have the right to determine the cadre and the salary of the cadre and the general conditions of service.

(*Mr. Chairman*).—*Q.*—And have no other control ?

A.—In disciplinary matters, no.

Q.—Then to whom would you give disciplinary control ?

A.—Well, I would give disciplinary control either to an independent Commission, an independent body or to the heads of the departments, or the Executive Councillors or the Ministers.

Q.—Which of these would you prefer ? Would you prefer the Public Services Commission ?

A.—Speaking personally I think the Minister should have nothing to do with these disciplinary matters. That I say from my experience. So far as discipline is concerned, the Minister should not be troubled.

Q.—What about promotions and postings and annual increments ?

A.—Whether a particular man should get an increment or not is a matter of discipline and I would leave it to the head of the department.

Q.—Not to the Minister ?

A.—No, the Minister's position would become very awkward.

Q.—Am I right in inferring generally from your attitude that so far as the actual prospects of the services or their pecuniary interests are concerned, you would not bring them under the control of political parties ?

A.—Yes.

Q.—You would secure to them the utmost possible independence ?

A.—Yes.

Q.—And that with regard both to the Imperial services as also the provincial services ?

A.—Yes, if you want to retain the distinction between Imperial and Provincial Services. So far as the Provinces are concerned, since you have asked me that question, I must add that I do not want to have any such distinction at all.

Q.—Now, will you please pass on to paragraph 112. Speaking with regard to the Finance Department you say : "I can however say that owing to the distinction between reserved and transferred subjects disputes between the two halves of the Government are quite conceivable." Did any disputes in point of fact arise between the reserved half and the transferred half ?

*A.—No. I have said so, because there was no money to fight for.

Q.—If there had been any money to fight for there would necessarily have been disputes ?

A.—The rules are quite clear. The impression left on my mind by a perusal of the rules is stated there.

Q.—Then, did you have to go to the Finance Department for any sum of money for your own Department ?

A.—There was no money.

Q.—But you must have gone to the Finance Department for some money to carry on the work of your department.

A.—For the routine work, yes. The Finance Department did not interfere with me so far as the routine work was concerned.

Q.—But take any scheme of development with regard to any one of the services under your control. Did you ever have to go to the Finance Department ?

A.—Only in one case which I mentioned the other day—for a Science College.

Q.—And you were not allowed to borrow ?

A.—Yes.

Q.—The only other question I have to put to you is—you have said something about responsible government in the Provinces ; what about the Central Government—have you got any suggestions about that ?

A.—Yes, I have made the suggestion that so far as the civil administration is concerned it should be transferred.

Q.—But do you think it possible to effect it under the present Act by means of rules ?

A.—No, not by means of rules. An amendment of the Act will be necessary.

Sir Arthur Froom.—Q.—Mr. Kelkar, you have already answered many questions about communal representation, so I will leave that alone. Now turning to paragraph 15 you prescribe a remedy for the deficiencies of the electorate by suggesting certain qualifications for candidates to your

Legislative Council. You have already detailed these qualifications. If they had been in force at the last election would, in your opinion, they have operated against any of the present members of your legislative council ?

A.—In very few cases.

Q.—You consider that the present members of the Central Provinces Legislative Council comply with the qualifications you detail there ?

A.—Yes, except perhaps in few cases.

Q.—Again in paragraphs 21, 22 and 23 you are in favour of a longer term of office for Ministers ?

A.—Yes.

Q.—And for the Council ?

A.—That naturally follows.

Q.—And I understand that you told one of my colleagues that one of your chief reasons for this was that it would provide a longer training for the Ministers themselves ?

A.—Yes, they must have sufficient opportunities to study the whole thing and put their schemes in operation.

Q.—So, I take it that had your term of office been for 5 years, you would have felt more at home in it during the last 3 years than you did during the first 2 years ?

A.—I do not quite follow.

Q.—You said had you been in office for 5 years you would have been learning all the time, gaining experience all the time ?

A.—No, I would not be getting experience during the whole period but I would take some time to acquire experience and then I would require some time to educate public opinion, to get round the members of Council and to introduce a policy and see that that policy was successfully carried out, so that it would not be possible to be upset by subsequent ministers.

Q.—I understand that you suggest a Minister would take about 2 years to gain experience and therefore if he remained in office another 3 years your Province would receive the benefit of your experience ?

A.—Yes. In some cases the Minister might get experience in six months.

Q.—You mean a very clever man ?

A.—Yes, or if he has been already in service, perhaps he may not require any time. But speaking ordinarily.....

Q.—Yes, speaking ordinarily, that is what you told one of my colleagues before, and I just wanted to emphasise that. I quite follow.

(*Mr. Jinnah*) —I should like to make that quite clear. I don't know if you followed Sir Arthur Froom's point.

Q.—My point was that in answer to a question previously put by one of my colleagues, Mr. Kelkar, suggested it would be beneficial for the Ministers themselves if they were in office for a longer term—say, 5 years, because he said they would gain experience and then he said that possibly they take 2 years to gain experience and therefore during the last 3 years of the term his Province would naturally gain by it.

A.—Yes. Looking to the class of people from which the Ministers are recruited at present, generally they take some time to study their

subjects ; then they have to educate public opinion before they can introduce their policy and see it carried out. That is what I mean.

Q.—In paragraph 27 you say that “ if the Ministers and the Council are allowed to act subject to each other's control, there may be less cause given for heart-burning.” You mean of course the Provincial Council ?

A.—Yes.

Q.—What do you mean by “ subject to each other's control ” ?

A.—There must be joint responsibility.

Q.—You mean that the Minister would feel entirely responsible to the House ?

A.—Yes, to the whole House.

Q.—In paragraph 44 you say that your grievance is not only against the Executive Councillors and that you are quite willing to place the Ministers also in the same category. I understand there were only two Ministers during your term of office. Is your grievance against the other Minister ? *

A.—Yes, and against myself also.

Q.—You have a grievance against yourself also ?

A.—Yes, so far as the constitution is concerned.

Q.—You did not like your position ?

A.—Yes. That is what I mean. I did not make a secret of this fact. At the end of my note I have said that probably this was all due to inexperience.

Q.—At any rate leave yourself alone. You say that you had a grievance not only against the Executive Councillors but also against your brother Ministers ?

A.—Not only against my brother Ministers but against myself also. I remember one occasion on which I took action. I thought that it was purely an administrative matter, but afterwards it turned out that it was a serious matter on which I ought not to have taken any action without consulting the other Minister. Of course the other Minister supported me afterwards. But the mistake was there.

Q.—I rather wanted to be clear on this point. I thought you said that you and your fellow Minister did not pull together. Was that so ?

A.—That was not so.

Q.—It seemed to me from Mr Chitnavis' memorandum that he seemed to think you did not pull together.

A.—I do not think so. If he has created that impression I am very sorry for it.

Q.—That is the impression I gained from his memorandum.

A.—I do not think so.

Q.—You did work together wholeheartedly in all matters and consulted each other ?

A.—It was not done as a matter of course. We consulted each other whenever it suited our convenience to do so, but as a matter of policy or as a matter of practice it was not done invariably. That is what I mean.

Q.—In paragraph 56 you say that under the administrative dyarchy in the Executive Government “ the Ministers, though ostensibly parts of Government, are for all practical purposes reduced to the position of heads

of departments and nothing more. They have no incentive to feel any interest in the well being of the Government as a whole." When you took up office as Minister, did you start with that feeling ?

A.—I did not start with that feeling, because I had read the proceedings of the Joint Committee and the evidence given by Sir Frank Sly before the Joint Committee and I thought that throughout we would be treated as part of one Government.

Q.—May I take it that the Committee should understand that you started with the whole-hearted idea of trying to do your best to make the job a success although you might not succeed with the Members ?

A.—Yes.

Q.—In paragraph 60 you say : " I frankly admit that so far as departments in my charge were concerned, His Excellency Sir Frank Sly generally did not attempt to overrule me so far as broad questions of policy were concerned." You go on further to say that there were some overrulings as regards petty details in petty cases ?

A.—Yes.

Q.—You resented that interference ?

A.—Yes.

Q.—I put it to you that there might be another side to that question. You think now that in your term of three years of office possibly you interfered in petty details which might have been left to the Heads of Departments and therefore there would be resentment on their side ?

A.—It is just possible. That is just what I have said. They thought that I was interfering with them and I thought that they were interfering with me.

Q.—And that conduced to part of your trouble ?

A.—Might be.

Q.—Have you ever had any experience in a big mercantile business ?

A.—No.

Q.—I put it to you that if the head of a mercantile firm or house were to interfere in petty details which the Assistants in his firm are left to deal with, you could not get along at all.

A.—I must recognise that principle, and so far as I considered that the matters were petty, I never interfered.

Q.—You recognised that, I suppose, as you went on in your term as Minister.

A.—From the very beginning, because I had done lot of administrative work before and I knew the difficulty of interfering in petty details.

Q.—My suggestion is that these petty details should be left to the Heads of Departments and that you should confine yourself to broad questions of policy.

A.—That is what I have said. I believe I have said in one part of my note that the Minister should be relieved of all these administrative details. But if they come to me, and if there is a dispute, then it has to be decided by me. All these cases were cases of dispute.

Q.—You don't have any question of detail coming to you at the start ?

A.—No.

(Dr. R. P. Paranjpye).—Q.—You get appeals from the decision of others ?

A.—Yes, or from the public. It is only in cases of that kind that interfered.

Q.—You did not leave it to the Heads of Departments to settle ?

A.—No, because it was an appeal against their orders.

Q.—You say in paragraph 65 that " if Ministers are unfit to decide petty cases or simple questions of facts, they should be dismissed." My point is that petty cases and simple questions of facts should be dealt with by Heads of Departments.

A.—They were decided by Heads of Departments. They came to me in appeal or revision.

(Mr. Chairman).—Q.—Do I understand that paragraph 65 is entirely confined to appeals ?

A.—To appeals and other cases that came to me in the shape of revision or on the representation of any person.

(Mr. Chairman).—Q.—Are they not confined to appeals ?

A.—I did not send for any cases decided by any Head of Department within his jurisdiction on my own initiative, except when I wanted certain information. For instance, an abstract of cases decided by Heads of Departments used to be sent to the Ministers and I used to send for cases simply for the purpose of information. In these cases I did not interfere. But when the case came before me regularly by way of representation or appeal or revision application, then I had to exercise my own judgment.

Q.—We will leave that point.

(Sir Sivaswamy Aiyer).—Q.—Were the petty cases that you referred to cases which under the rules had to come up to Government for their orders ?

A.—Yes.

Q.—I think you told Sir Tej Bahadur Sapru that you never resented criticism of your work.

A.—No. I welcomed it.

Q.—Having listened to what the Heads of Departments had to say on any matter, you differed from them and you issued your orders, and you were of opinion that these orders should be carried out without any further reference. That would mean autocratic government ?

A.—No, not necessarily autocratic government. We have to take one view or other of the facts before us and the law. You cannot necessarily say that that is autocratic.

Q.—As regards selection of Ministers, you don't like the present system of appointment by the Governor ?

A.—Yes.

Q.—You prefer Ministers to be elected by the Legislative Council ?

A.—Or after consultation with the Council in one form or another in order to see who enjoys the largest amount of confidence.

Q.—Can you suggest how they can be conveniently elected by the Council so long as there is no definite party ?

A.—I did not press the point about election by a panel.

Q.—You are willing to concede that the present system should be adhered to, *viz.*, appointment by the Governor ?

A.—Yes, but after consultation with the Members of the Council so that troubles may not arise afterwards.

Q.—You mean the whole of the Members of the Council ?

A.—The Governor knows who will give him the best information.

Q.—He will send for the leading members and consult them ?

A.—Yes, leading members from each party.

(*Mr. Chairman*).—*Q.*—That is exactly what is done now. Is that not so ?

A.—That was done this time.

(*Mr. Jinnah*).—*Q.*—The previous election was the first election ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—And not in the previous one ?

A.—Not in the previous one.

(*Mr. Jinnah*).—*Q.*—You mean this was done during the last election ?

Q.—In your summary you recommend the abolition of all reserved subjects and therefore that all subjects should be entrusted to Ministers.

A.—Yes.

Q.—Which more or less means doing away with the Executive Council.

A.—Yes.

Q.—Which means, in other words that the Legislative Council would be charged with the province under the direction of the Ministers selected by them ?

A.—Yes.

Q.—Would you apply that system to the first Legislative Council in the Central Provinces after the introduction of the reforms in 1921 ?

A.—Yes.

Q.—You think it would have worked ?

A.—Yes.

Q.—And no mistakes would have been committed ?

A.—Mistakes may have been committed. All human beings commit mistakes.

Q.—The Central Provinces would have progressed by the mistakes of the Council ?

A.—That does not necessarily follow. I do not say that we could not have committed mistakes.

Q.—Under the present system it is possible for mistakes to be rectified ?

A.—Yes.

Q.—Under your system they would not be rectified. Would you leave the Governor with a veto ?

A.—In very exceptional cases ; as a last measure, not otherwise.

Q.—Turning to the Central Government, I think you told Mr. Jinnah that you considered that the Army—and I think Foreign Relations—should be left as a reserved subject ?

A.—Yes.

Q.—Is it on account of any doubt about law and order being preserved in the country ?

A.—No, not necessarily. Not with the intention of law and order being preserved in the country, but I am told that this is a very technical matter which the ordinary members have not yet studied and therefore I thought it should be left alone for the present.

Q.—The Army does help to maintain law and order ?

A.—It is part of their duty. But that was not my reason.

Sir Sivaswamy Iyer.—*Q.*—You said that you would raise the qualifications for candidates. Do you not think that your proposal would have the effect of shutting out many good men ?

A.—If it has the effect of shutting out many good men, then we can frame suitable rules. It is a matter of rules. I have recognised that difficulty in my written memorandum.

Q.—You know Mr. Chintamani. He is only a Matriculate. Was he a good Minister ?

A.—Yes. I am told that he was a very good Minister. Matriculates may be suitable. It is not necessary to have graduates.

Q.—You would shut him out ?

A.—No.

Q.—He had not had any administrative experience. He was only a journalist.

A.—That is a great administrative experience. He gets experience of the whole world.

Q.—Or again take the Right Honourable Mr. Srinivasa Sastri. Had he had any administrative experience ? Your proposal would have shut him out ?

A.—Not necessarily. He had great administrative experience. He managed the Servants of India Society which is a great public body.

Q.—Then you would give a very elastic interpretation of the term administrative experience ?

A.—Yes. Mine was merely illustrative and not an exhaustive list.

Q.—Does it include a college or school ?

A.—I have not attempted to give you an exhaustive list of the qualifications that would be required.

Q.—You have expressed a wish ?

A.—I have expressed the general principle.

Q.—And in your experience of your Council whom do you find more sweetly reasonable—the graduates or those who are not graduates ?

A.—What do you mean by sweetly reasonable ?

Q.—Not disposed to obstruct or wreck the Council, or willing to listen to reason and so on.

A.—I think the more a man is educated the more he is inclined to reason.

Q.—But what has been your experience in your Council ?

A.—My experience of the Council is that the educated people are generally open to reason. They argue with you and you learn from them. But if they are uneducated you do not get any assistance from them.

A.—Not that they won't listen, but you would not get any assistance from them. I derived much assistance from obstruction. Obstruction has got considerable educative value.

Q.—From whom ?

A.—Opposition criticism.

Q.—Opposition or obstruction ?

A.—Opposition I mean. I do not consider the educated peoples' opposition as obstruction.

Q.—Has there been no obstruction in the Central Provinces in the Legislative Council ?

A.—Yes, there is obstruction now.

Q.—But not in your time, not in the first council ?

A.—No. Of course various resolutions were moved and my actions were criticised. I learnt much from those criticisms.

Q.—But not opposition for the sake of obstruction ?

A.—No.

Q.—In one of your earlier paragraphs you say that the suspicion of Government is very deep rooted.

A.—Yes, against Government.

Q.—Can you give any explanation why it is so deep rooted, or the reasons for it ?

A.—Well, the general political situation in the country is responsible for it—the press, the platform speeches, and the opposite side is not adequately represented. They hear one side of the version. They get certain impressions from these speeches and from these writings in the press.

Q.—What I want to know is whether you mean to suggest that the suspicion of the Government was the result of agitation or was a justifiable suspicion ?

A.—The result of agitation, and also partly it is justifiable by some actions of the subordinate officers. For instance, if a congresswala goes to the people and says, "Look here. These irrigation people exact dues from you although you do not get water for irrigating your fields" Things like that. People readily believe that anything done by the subordinates is done by Government or done under the orders of Government.

Q.—The hardships which the people experience in the ordinary course of administration ?

A.—Yes.

Q.—You have often stated that there have been no parties in the country and in the Council. Can you give any explanation of it, why there have been no parties ?

A.—Well, in the first place there was not enough time to organise parties in the Councils. As I have said, even the Ministers worked to a certain extent on their own responsibility. That was one reason. And that was not an appropriate time also for organising parties in the Council on account of the non-co-operation. The third reason is that there is a general impression that there must be one party only, namely, a party to oppose the Government.

Q.—But do you think that it will remedy matters if all the subjects were transferred ?

Q.—Then it will not be a case of having to fight with the Government ?

A.—No, because you have to fight with your own people in that case.

Q.—Do you think that the official element in the Central Provinces Legislative Council supplies valuable experience or not ?

A.—To the Ministers, of course, they are of valuable assistance.

Q.—And if their experience is valuable to the Ministers, don't you think that it will also be valuable to the ordinary members of the Legislative Council who have not got even the training of the Ministers ?

A.—No. I do not take that view necessarily. If the Ministers are properly trained and coached by the officers, then they ought to be there to explain the policy of the Government. Permanent officials it is not necessary to have there.

Q.—Do you think that it is always possible for the Ministers to have all the materials connected with their administration at their fingers' ends and be able to explain the actions of the Government ? Supposing the officials were kept within due limits would it not be a valuable element ?

A.—No. I do not think so. The Minister must be prepared before he comes into the Council.

Q.—What do you think of the size of the electorates in your province ? Are they unduly large or reasonable ?

A.—They are not unduly large. Only 150,000 electors.

Q.—That is on the whole. I am not speaking of that. Take each territorial electorate by itself. What is the size of each electorate ?

A.—The size of the districts differs. But the average size of a district is about 4,000 square miles.

Q.—And the number of electors on the average ?

A.—Take the small district from which I come. The number of electors is about 3,700 in the rural area.

Q.—Even 4,000 square miles do you think is a manageable area for a candidate ?

A.—For a candidate it is not a manageable area.

Q.—Would you have smaller electorates and more members ?

A.—No. I would not have smaller electorates and more members because the districts in the province are very small and people know them very well.

Q.—With regard to the principle of joint responsibility among the Ministers are there any obstacles to the enforcement of this principle ?

A.—You mean statutory obstacles ? The express provision in the law does not expressly prohibit joint consultation.

Q.—But have you seen the provisions of section 52 which says that in the transferred subjects the Governor shall act in consultation with the Minister in charge of the Department ? Does the Governor dispose of cases in consultation with the Minister in charge of the particular department or in consultation with the Ministers jointly ? Is there anything in your rules on the subject ?

A.—Yes, there is. You mean the Rules of Business ?

(*Mr M A Jinnah*) —It is contained in rule 10 (a).

Q.—In the Instrument of Instructions to the Governor it says, the administration of the Governor acting with a Minister—that is what it says. But there is nothing to prohibit the Governor from consulting the Ministers?

A.—Nothing.

Q.—Nothing to prohibit you from asking that the subject should be brought up at a meeting of the Ministers?

A.—No.

Q.—Why did you never ask for that, for subjects being brought before Ministers jointly?

A.—As I have said before, in cases which I have considered to be of sufficient importance to justify joint consultation I called for a meeting of the Cabinet, consisting of both arms of the Government.

Q.—I am not talking of the Cabinet, but the Ministers.

A.—As I said before we never called for a meeting of the Ministers as such.

Q.—But if that principle of joint responsibility had been acted upon throughout, it would have tended towards the formation of parties and consultation of parties? Would it not have?

A.—Well, at least it would not have created any misunderstanding between the Ministers.

Q.—It would have permitted more co-operation between the Ministers?

A.—Yes.

Q.—Do you think that if a matter was disposed of by the Governor in consultation with the Ministers he would have over-ruled you if he found that he was opposed by both the Ministers on the subject?

A.—Ordinarily I do not think he would have over-ruled us.

Q.—He would not have over-ruled you?

A.—That is what I think from the general way in which he behaved with us—if the two Ministers had acted together.

Q.—You complained that appointments in other departments were made without your knowledge. Is it not?

A.—Appointments in other departments?

Q.—In one of your paragraphs, you say that somebody was appointed without your knowledge.

A.—Yes.

Q.—But what is the practice in the reserved half? Are appointments made in any one department with the knowledge of the members in the other?

A.—No. The appointment department is a separate department. In writing that part of my note attention was confined to whether 2 to the orders issued under section 49 (2) by the Local Government of the Central Provinces.

Q.—You say that you were not consulted when somebody was appointed Additional Judicial Commissioner. That was an appointment in the Judicial Department?

A.—Yes.

Q.—But would a member in charge of some other department be consulted in the reserved half ? You were only a Minister and it was not in your department ?

A.—No.

Q.—Is such consultation the practice in the reserved half ?

A.—That appointment related to the reserved half.

Q.—So you were not consulted ?

A.—No, I was not consulted.

Q.—Even in the reserved half appointments in one department are not made with the knowledge of the other department ?

A.—No, that is not my point. My point is that there are certain appointments of importance which are specified in the Schedule 2 to the Rules framed under section 49 of the Government of India Act.

Q.—And under the rules do they require consultation with you ?

A.—Under the rules they do not require consultation, but as a matter of practice or as a matter of convention we were consulted with regard to the appointments on certain occasions and we were not consulted with regard to some appointments on other occasions.

Q.—Then it is merely the want of uniformity that you complain of ?

A.—Yes. That is what I have said. That made the position of the Ministers somewhat awkward.

Q.—In paragraph 46 you say :—

"By allowing members of Government to act independently or to work with a feeling that they were responsible for their own departments only and not for the Government as a whole the Government's position was at times weakened or had become awkward. Government was put to expenses which could have been saved."

Can you give me an instance or illustration of that ?

A.—The Nagpur Flag affair, the Satyagraha case ; that is the case.

Q.—You have no other case in view ?

A.—No.

Q.—I have heard it stated that very often decisions which were impracticable or unwise were arrived at by the transferred half of the Government which had afterwards to be abandoned after considerable waste of time and energy. Is that correct ?

A.—I used to hear this complaint when I was in office and I used to hear that complaint afterwards more repeatedly. Therefore I asked my critics to point out to me instances in which public time and money was wasted on account of anything done by the transferred half of Government and none of my critics has yet been able to point out to me a single instance of such waste of public time and money.

Q.—Do you know of any case in which the proposals of the Ministers had to be abandoned on the ground that they were impracticable or harmful after considerable waste of time and energy ?

A.—I was in charge of 4 departments. So far as Local Self-Government department is concerned, I think we are not concerned now. So far as the Public Works Department is concerned, I was very keen on carrying out the policy of the Government of India for transferring public works to the local bodies. His Excellency the Governor was entirely at one with

ie. But simply on account of the opposition from the men in the department themselves we were unable to give effect to that policy. A lot of time was spent—I do not say wasted—a lot of time was spent in correspondence. That is one case.

Q.—In that case you do not consider your proposal an impracticable proposal?

A.—The Government of India has decided. It was the recognised policy of Lord Chelmsford's Government. We had simply to give effect to that policy. But we could not give effect to that policy simply because officers attached to that department were opposed to it.

Q.—Any other instance?

A.—In the Education Department certain parts of my policy I was able to put through, others I was not able to put through simply on account of want of money. I remember those cases, for instance, in which a resolution was moved by a member of the council that within 10 years' time primary education should be made free and compulsory in every village in the provinces. I pointed out to the member that it was an impracticable proposal, but still we would see what could be done. Then we appointed Committee to go into that question. The Committee took some time and then submitted its proposals with a big order for several lakhs of rupees. There was no programme. We had to draw up a certain programme, because you know that our local bodies have not got trained agency at their disposal. That agency has to be supplied by the Central Government. The Central Government therefore has to draw up a programme.

Q.—You think it was not a case of an impracticable proposal?

A.—It was not a case of an impracticable proposal. The mere fact that we were not able to give practicable effect to it was due to want of money.

Q.—Have there been cases where the Ministers in your provinces have interfered with the administration to the detriment of discipline in details of administration?

A.—As I have said before I never cared for anything in the details except when the case came before me regularly and when a case came before me regularly, I had to decide it.

(*Dr. Paranjpye*).—*Q.*—May I ask you in this connection a question? When you were touring suppose a subordinate official came to see you. Did the head of the department consider it to be a grievance that you saw the subordinate over his heads?

A.—Not to my knowledge; but certainly if they sent to me any private letters or semi-official letters, they resented. But fortunately all these semi-official letters I received were from European officers in the service.

Q.—In paragraph 49 you say “that the Governor's power of superintendence, direction and control over the Ministers appears to be much more complete than even that of the Secretary of State for India in Council.” I should have thought that under the Reforms the Governors' powers had been enormously reduced. Can you explain that statement?

A.—Theoretically the powers may have been reduced, but the rules give extraordinary powers.

Q.—What rules?

A.—The rules framed under section 49. That is what I was talking

Q.—If you insist upon having your way don't you think the Governor was bound to yield having regard to the instrument of instructions ?

A.—Sometimes he yielded and sometimes he did not.

Q.—If he did not yield you could have resigned ?

A.—That is what I have said.

Q.—You could have threatened to resign ?

A.—That is a point to be considered in consultation with the members of the council and they said "that it was purely an administrative matter and in question of public welfare involved ; you stick on, gain some experience and accumulate all these instances." Perhaps they had no knowledge at that time that this Committee was to be constituted.

(*Dr. Parry*).—Q.—And make a good case for resignation afterwards ?

A.—They were not for tendering resignation at that time.

Q.—I put it to you that whatever power the Governor has exercised in the transferred departments, if it was exercised at all against your opinions was due to the weakness of the Ministry and not to the system ?

A.—No, it is due to the rules. It is due to the system. The Minister I think, was sufficiently strong, but he had no power, no statutory power, to enforce his opinion.

Q.—Did the Governor really try to persuade you or over-rule you in questions which went up to him for orders ? Was it a question of persuasion or dictation ?

A.—In some cases it was a question of persuasion.

Q.—Of which you do not complain ?

A.—When he sent me a case for disposal with certain remarks of his then I decided the case according to my own views. In other cases he decided.

Q.—Was there any attempt at dictation by the Governor to the Minister ?

A.—I never took it to be dictation. I took it to be a suggestion, took it to be a mere suggestion from the Governor. I did not look upon his remarks as an order from him.

Q.—With regard to the allocation of finance between the reserved and transferred halves to avoid friction what is the remedy ? Do you suggest any remedy, or do you say that the only means of avoiding friction is to abolish dyarchy ?

A.—Yes, that is the safest course.

(*Mr. Chairman*).—Q.—Was there any friction as a matter of fact ?

A.—None. I am not talking from practical knowledge, because I have said in my note that I have no such experience.

Q.—Have you any particular opinion on the question of avoidance of friction in the matter of finances ?

A.—Yes, I said that difficulties and differences of opinion are conceivable. For instance, I have cited the Police case or the jails case. Perhaps instances of that kind could have been avoided.

Q.—Does the fact that the Finance portfolio is in the hands of member of council who is also in charge of other departments operate detrimentally to the other subjects ?

A.—As I have said, in our province we have had no occasion. It is just possible.

Q.—You have no experience ?

A.—No, because there were no occasions.

Q.—With regard to the Public Works Department you seem to be under a misapprehension as to its functions. Now supposing you were the Education Minister but not the Public Works Minister. Who do you think would be the best authority to decide as to the necessity for further buildings for a school or college ? The Public Works Department or yourself ?

A.—I would consider the head of the department and the Member or Minister in charge, but the ultimate responsibility must be with the Minister in charge of the Public Works Department, that is to say, I do not regard the Minister in charge of the Public Works Department as merely an agent of the other departments, and I believe that is the view taken by the Government of India.

Q.—Is the Public Works Department to be the final authority in settling what the wants of the other departments are ?

A.—The Public Works Department is not merely an agent responsible for throwing a few baskets of earth here and there. They have to do certain administrative work. They have to shoulder certain administrative responsibilities.

Q.—The administrative responsibility consists in controlling their establishment and seeing that they do their work economically and efficiently ?

A.—That is not the view I take. I do not think the Minister's duty is merely to control the coolies under him.

Q.—You were in favour of all subjects being transferred ?

A.—Yes.

Q.—Take for instance the subject of land revenue. Do you think there is any danger of any wild cat scheme, say to fix land revenue permanently or to decrease the amount of land revenue now derivable ? Do you see any danger of that ?

A.—I do not think so. If the responsibility is thrown, then I think there is no danger.

Q.—But you are aware that proposals have been put forward for permanent settlement even in ryotwari tracts ?

A.—Yes.

Q.—You think that is due to lack of responsibility ?

A.—Yes. These proposals are drawn up or suggested or are placed before a Government which is not responsible to the people.

Q.—But if the Government becomes responsible, then these proposals will not be carried ?

A.—No.

Q.—Or would you provide any safeguards by way of legislation or otherwise in regard to such subjects as land revenue ?

A.—Perhaps it may be wise to provide some safeguard by way of precaution, but not otherwise.

Sir Henry Munroieff-Smith.—Q.—You have suggested that the legislative term of office should be five years rather than three. Where do you find any statutory provision which confines the term of Ministers to three years ?

A.—I think in the rules it is stated that the term of the Legislative Council will be for three years. I think it is also stated in the Act.

Q.—Do you find anything in the Act or the Rules which says that Minister's term of office should be coincident with the period of the term of the Council?

A.—If the Council is dissolved, then the Minister goes out and within six months from that date he must seek re-election. That means three years and six months.

Q.—But if he does not seek re-election?

A.—Of course, he has to go out of office at the end of six months.

Q.—If he is re-elected then there is nothing to prevent him from continuing in his office?

A.—No

Q.—What I want to find out is whether your suggestion that the Minister's office should be extended to 5 years would also involve as a consequence that the term of the Council should also be extended to five years?

A.—Yes. The Council and the Minister must go together. If time in the Local Council in regard to questions that are not of great importance in the Local Council in regard to questions that are not of great importance?

A.—Yes

Q.—I suppose you have a rule in your Legislative Rules which controls the questions to matters of public concern?

A.—Yes

Q.—Do you mean to suggest that that rule is not enough to exclude parochial matters? Would you suggest an amendment of that rule or do you think that a strict enforcement of that rule by the President would serve your object?

A.—I think an amendment of that rule would be necessary because we have discussed this question in our local Cabinet meetings and the Governor was unable to say which particular subject was and which one not of public importance.

Q.—Not long ago, the Legislative Assembly passed a resolution to effect that the Government of India should in the Central Legislature answer all questions relating to important provincial questions. I want to look at it from your point of view as a Minister whether the Government of India should answer in the Central Legislature all important questions with regard to the subjects that you are administering in the province?

A.—I do not think it is a sound policy because it interferes with the autonomy of the province. But if the Provincial Governments were obliged to do certain things in consequence of any orders or suggestions from the Central Government, then it is but meet and proper that the Central Government should be responsible to answer any question relating to a provincial subject.

Q.—Then with regard to resolutions also you make very much the complaint that time is wasted on matters of parochial interest in the Central Council. There, again, you have a standing order, I think, which

says that resolutions can only be moved on matters of general public interest. Is it your opinion that that rule is not either wide enough or is it your opinion that it allows discussions on matters which ought not to be discussed in the Council and consequently it should be amended ?

A.—Yes

Q.—And you do not think that a strict enforcement of that rule by the President will have the desired effect ?

A.—It will be very difficult for the President to enforce that rule strictly. The rule is widely worded and is very comprehensive.

Q.—Now I want to ask you two or three questions about communal representation. We have heard the suggestion that seats should be reserved for Muhammadans in the Council but that they should be elected by general electorates. It is a sort of half-way house between the present system and the system that you advocate. Do you think that that would work satisfactorily ?

A.—I understand that the Muhammadans are not willing to accept that suggestion. I believe the late Mr. Gokhale had made similar suggestion.

Q.—What is your opinion on the matter ?

A.—It may be tried as a matter of compromise but not as a matter of principle.

Q.—So you object to this system on principle but it might possibly work more satisfactorily than the present system ?

A.—Whether it would work satisfactorily or not I cannot say.

Q.—You say that you would abolish these purely Muhammadan constituencies. You deplore also the existence of communal parties in the Council. Would you ascribe the existence of communal parties to the present electoral system ?

A.—The present electoral system does in a way, I think, encourage the feeling of communal representation.

Q.—You think that Muhammadans will be elected if they go to a general electorate ?

A.—That is my general belief

Q.—Suppose Muhammadans are elected from general electorates, do you think there will be a tendency still for communal parties to form in the new Councils ?

A.—Those tendencies will be considerably minimised

Q.—You don't think that the Muhammadans will as a matter of course form a Muhammadan party ?

A.—I don't think in that case they will care to do so.

Q.—I want you to look at paragraphs 28 to 30 on Legislative work. There you say that you have no complaint against the Governor or the Members of the Government. Your complaint is against the Government of India ?

A.—Yes.

Q.—You as Minister initiated several legislative proposals during your term of office and you piloted some important legislative measure in the Local Council ?

A.—Yes.

L538HD

Q—May I take it that you are thoroughly familiar with the provisions of the Government of India Act which confer legislative powers on you and on the Local Council, i.e., section 80A of the Government of India Act?

A.—It confers powers subject to certain restrictions.

Q.—That is what I am coming to. Section 80A lays down restrictions imposed by Parliament on the Local Council?

A.—Yes.

Q—And the restrictions are that in certain cases the sanction of the Governor General is required?

A.—Yes

Q.—I suppose you realise that there is a difference between the Governor General and the Governor General in Council. It is not the Government of India's sanction but it is the sanction of the Governor General?

A.—Yes.

Q—You say that there are other restrictions. Can you tell the Committee what restrictions the Government of India have added to those imposed by Parliament in section 80A?

A.—I was dealing with two legislative measures which I have mentioned in my note.

Q.—You have said that there are general restrictions. I understood you to say just now that the Government of India have added some further restrictions to those already imposed by Parliament.

A.—Have you got that impression from my note?

Q.—I have got that impression from your note.

A.—That is not my view.

Q.—Then the only restrictions on your legislative powers are those contained in section 80A?

A.—Yes, that is what I mean.

Q.—Now please turn to paragraphs 29 and 30 of your Memorandum. You say that the Local Council and the Local Government must have a free right to frame their own laws. Do you mean to say that they should be free from all restrictions?

A.—They should be free from restrictions so far as local matters are concerned or law which relates to the particular province only.

Q.—Do you realise that a law may relate to a particular province and yet it may affect matters which are far more than provincial in their nature?

A.—In such cases it may be necessary to refer the matter to the Government of India. But in paragraph 29 I am talking of purely local laws, which affect the provinces only.

Q.—Let me put a case to you. You consider that a Municipal Bill is a matter purely of local concern and therefore there should be no restriction whatever. Now the Municipal Bill gives power to municipalities to levy taxation. Suppose a Bill proposes to give a municipality a power to levy as a municipal tax a surcharge of 50 per cent. on the income tax. Do you regard that purely a matter of local concern?

A.—That cannot be done because the power of taxation is restricted by the Schedule.

Q.—But just now I understood you to suggest that these restrictions should be removed ?

A.—I meant restrictions so far as they relate to the sanction of the Governor General.

Q.—I have not quite understood you. I am trying to find out which of the restrictions, contained in section 80A of the Government of India Act would you abolish ?

A.—The previous sanction of the Governor General.

Q.—Let me put it to you in another way. I think you have complained that you were not given an entirely free hand in the Central Provinces Municipal Bill ?

A.—Yes.

Q.—You say it is a matter of local concern. Now what restrictions in regard to the Central Provinces Municipal Bill did you find which hampered you in piloting that Bill in the Local Council ?

A.—It did not of course hamper me but it took some time to get the sanction of the Governor General.

Q.—Was it a long Bill ?

A.—It was a very comprehensive Bill.

Q.—And you realise that it dealt with a large number of places. When it came up to the Government of India it had to be examined in something like six departments ?

A.—Yes.

Q.—Do you know how long it was before you got the sanction ?

A.—I could not tell you just now. But that is exactly my point. Our view is that there is no necessity of getting the sanction of the Government of India. Why should the local Government be under an obligation to send up the Bill to the Government of India for the previous executive sanction before it is introduced in the local Council ?

Q.—The answer is because of the provisions of section 80A. I am trying to find out what are the restrictions that you would like to abolish ?

A.—The previous sanction of the Governor General.

Q.—Then the section is gone ?

A.—Yes, so far as local matters are concerned. I am talking about local matters only. I mean bills which relate to local subjects only.

(*Sir Muhammad Shafi*)—*Q.*—But who is to decide whether a given Bill deals merely with local matters or central matters or matters mentioned in section 80A are also involved in it ?

A.—If the Local Legislature passes any law beyond its jurisdiction then the law would be *ultra vires*.

Q.—Don't you think that prevention is better than cure ? Is it not better that local Council should know beforehand where it stands ?

(No answer).

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you think such subjects are capable of being scheduled ?

A.—Yes.

Q.—Will you look at section 80A of the Government of India A (a), (b), (c), down to (i), the first one prevents the imposition of a n

A.—No, that is not a purely local matter

Q.—You would not abolish that, or that “ affecting the public debt India ”?

A.—No, that is not a local matter.

Q.—(d) “ affecting the discipline or maintenance of any part of His Majesty’s naval, military, or air forces.”

A.—No

Q.—“ Regulating any central subject.”?

A.—The Provincial Legislature cannot deal with a central subject.

Q.—You understand the local Legislature can regulate central subjects and constantly does. We never get a Bill up from the local Legislature which does not regulate central subjects?

A.—Then that is not a purely local matter.

Q.—It may be a local matter?

A.—Partly and partly it may not be, but it is not an entirely local matter.

Q.—Civil law is a central subject?

A.—Yes.

Q.—Suppose your Municipal Bill said no suit shall be brought against Municipal Commissioner in regard to any action of his taken under the Act? Everybody has a right to bring a civil suit, you bar it?

A.—Such a provision would be *ultra vires*. I do not think any local council would do it.

Q.—Every Local Council has done so.

A.—It is unfortunate then

Q.—Your own Municipal Bill has a provision like that.

A.—That is to be found in most of the Acts.

Q.—But it affects the central subject of civil law?

(Mr. Jinnah).—Q.—May I put one question in connection with this? Has your attention been drawn to the proviso in section 88A? Is it not open to the local Legislature to undertake any Bill and pass it provided it is subsequently assented to by the Governor General?

A.—That is not generally done in practice; the law is there.

Q.—You agree that the local Government with its eyes open should not proceed to enact legislation which is beyond its powers?

A.—No. It should not.

Q.—We are coming back to your suggestion that the Local Governments must have free right to frame their own laws. You think that the Local Council should be able to codify the Muhammadan law of the Province without any control from outside?

A.—It does not affect the Province only because Muhammadans reside not only in the Central Provinces, but all over the country.

Q.—You think they should not have the power to codify Muhammadan law?

A.—That is not a purely local matter

(Sir Tej Bahadur Sapru).—Q.—In point of fact some Legislatures have been trying to pass legislation with regard to Hindu law, for instance Madras?

A.—Yes.

Q.—You say “the sanction” (by that you mean the sanction of Governor General under section 89A) “may be merely formal” I mean the sanction, if asked for, should be as a matter of course?

A.—Yes, it is given.

Q.—But I gather you are suggesting some advance when you say it should be merely formal. You may just as well abolish it altogether if it is purely formal and given as a matter of course?

A.—Yes.

Q.—You say there is no reason why non-official members should be prevented from introducing any Bills or from moving any amendments if they consider such measures are likely to advance a popular cause. I mean there must be some restrictions on the local Government's power of introducing legislation, but you would remove all restrictions in favour of non-official members?

A.—So far as amendments are concerned.

Q.—You say there is no reason why they should be prevented from introducing any Bill?

A.—Yes.

Q.—Therefore if you, as a non-official member, proposed to introduce a Bill to codify Muhammadan law, you think there should be no restriction on you?

A.—I do not think such a Bill will come.

Q.—But I do not know; we do get any number of proposals to codify Hindu and Muhammadan law from non-officials.

A.—If such proposals have come then I think it would be well to draw up a schedule of such bills as would require the sanction of the Government of India or the Governor General.

Q.—But what would the restriction be? I gather you mean there should be some restriction on the power of non-official members to introduce bills? I cited one, the codification of Muhammadan law?

A.—That is a Bill of far-reaching consequence. It will affect the Muhammadan community not only in the particular Province, but throughout the country.

Q.—Therefore there should be some restriction?

A.—Yes.

Q.—Then you are prepared to qualify your statement that there should be no restriction on the part of non-official members? You concede that Local Governments should be subject to some restriction, but not non-official members, that is your in memorandum, paragraph 30?

A.—That is what I have stated.

Q.—You are prepared to qualify that statement?

A.—Yes, cases are conceivable such as you have cited now, and in regard to the cases cited by you, I am prepared to qualify the first

(*Sir Muhammad Shafi*).—Q.—You would qualify your statement to the extent, that the restrictions mentioned in section 80A on the action of Provincial Governments with regard to the introduction of legislation without the previous sanction of the Governor General should apply equally to non-official members?

A.—Yes, if such cases have arisen in the past, then I think I am prepared to qualify my statement.

(*Sir Sivaswamy Aiyer*).—Q.—Suppose there was a Bill introduced for the purpose of modifying the system of succession to Hindus or Muhammadans domiciled in your Province, what is the objection? Why should they not have it?

A.—Hindus or Muhammadans domiciled in my Province have not got separate personal law from the Hindus or Muhammadans domiciled in her Province.

(*Sir Sivaswamy Aiyer*).—Q.—Suppose they wanted a change while Hindus resident in other Provinces did not want a change. Take for instance the question of earnings, if Hindus of the Central Provinces wanted to enact that a man's gains from his earnings shall be his own self-acquired property, whatever assistance he may have derived from the joint family property, why should they not have their way, and why should they be obliged to wait for a change of sentiment in the rest of India?

A.—Then you will not legislate for a particular community, you will legislate for certain colonists residing in a certain part of the country.

(*Sir Sivaswamy Aiyer*).—Q.—Hindus resident in the Central Provinces?

A.—I do not know what is meant by the Central Provinces, to-day the Central Provinces is divided into 18 districts. Supposing such a law is passed in the Central Provinces and I am under that law, and my children go and stay in the Madras Presidency, which law will they be governed by?

(*Sir Sivaswamy Aiyer*).—Q.—It won't apply to them naturally.

A.—That means the personal law would change according to the residence. I cannot understand such a law.

(*Sir Tej Bahadur Sapru*).—Q.—You know as a matter of fact there are many Hindus who reside in one Province and have property in another Province.

A.—That has not given rise to difficulties.

Q.—Do you think the Indian Penal Code should be uniform for the whole of India?

A.—Yes.

Q.—You say Law and Order should be a Provincial transferred subject?

A.—Yes.

Q.—Therefore the amendment of the Penal Code would be a matter of Provincial concern?

A.—Yes, subject to the law laid down by the Central Government.

Q.—Subject to what law?

A.—Subject to the Penal Code and the Criminal Procedure Code.

Q.—You would allow unrestricted power to amend the Indian Penal

(*Sir Muhammad Shafi*)—Q.—Would that be your provincial autonomy, if you laid down that restriction?

A.—Provincial autonomy in that sense does not mean that the general law should not be applicable

(*Sir Tej Bahadur Sapru*)—Q.—I suppose you make a distinction between the power of legislation and the power of administration.

A.—Exactly, we may adopt the law from any Province for the purpose of administration.

Q.—You say in paragraph 30—"By a very strange interpretation of law and rules discussion on certain amendments was actually prevented." Can you explain to the Committee what are the law and the rules which were so strangely interpreted as to prevent discussion?

A.—Yes. It was in connection with the Central Provinces University Bill, what was stated by the Governor General or by the Government of India was that since the Bill required the sanction of the Governor General, any amendments proposed to the Bill would also require the sanction of the Governor General before those amendments were placed before the House for consideration. On that ground, although a number of amendments were received, we had to postpone the meeting of the Council because that order was issued from here. And the non-official Members were told that they had no right to move any amendment because they had not obtained the sanction of the Governor General.

Q.—Will you read the opening words of section 80A (3) of the Government of India Act: "The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law"? Therefore if those amendments had been moved and considered by the Council without previous sanction, your local Council would have been infringing the Act of Parliament, would it not?

A.—I do not understand that sub-section to mean that it was meant to apply to amendments.

(*Mr. Chairman*).—Q.—If you bar the introduction of a bill and allow amendments of a bill to give effect to it, would not that be useless?

Q.—You could bring your Bill in without any objectionable clauses and then begin to expand it?

(*Mr. Paranpype*).—Q.—The amendments could only be within the scope of the Bill, they could not go outside?

A.—Whether they are within the scope of the Bill or not that also has got to be sanctioned in the first instance by the Governor General.

Q.—You still think, Mr. Kelkar, that it was a very strange interpretation of the law that prevented those amendments being moved?

A.—At least we never interpreted the law in that way, and we had allowed amendments beforehand. It was only at the time of the University Bill that the members were prevented from moving their amendments. Previously no such restriction was placed on the local council.

Q.—Now you mention one or two particular Bills. You say: "My recollection is that Mr. Mahasui's Temperance or Local Option Bill was allowed to be introduced only after he consented to drop certain provisions therefrom." This is still within your general complaint against the Government of India?

Q.—Now would it surprise you to know that the Government of India never addressed one single word to the Local Government or to Mr. Mahajani on the subject of his Bill ?

A.—I understood there was some correspondence.

Q.—There was a one-sided correspondence, that is, from the Local Government. It was never answered by the Government of India.

A.—But I believe there was some correspondence. Mr. Mahajani complained to me that he was only allowed to introduce the Bill provided he dropped certain provisions therefrom.

Q.—If Mr. Mahajani received communications, and if as a matter of fact we assume that the Government of India sent no communication, then the communication must have gone from the Local Government ?

A.—Probably.

Q.—From your department in the Local Government ?

A.—No.

Q.—What other department of the Local Government could address Mr. Mahajani on the subject of his Temperance Bill ?

A.—The Excise Department or the Revenue Department or the Legal Department.

Q.—But would they do so without your knowledge—your fellow Ministers ?

A.—That is not what I mean. I do not say that.

Q.—Now with regard to the Municipal Bill you imply that all these requirements about previous sanction obstructed the introduction of the Bill. Would you look at the telegram there: “Sanction to Municipalities Bill despatched by letter to-day, subject, in the case of the Pilgrim tax, to the requirement of previous sanction of the Governor General in Council to the imposition of tax” ? Do you remember getting that telegram ?

A.—Yes.

Q.—Subject to the condition that the imposition of the Pilgrim Tax should require the previous sanction of the Governor General in Council, sanction was given. Do you regard that as showing that there was great obstruction on the part of the Government of India in that case ? I am talking of the Municipal Bill.

A.—If there was no obstruction on the part of the Government of India, that means the Bill was perfect in itself. Therefore the inference I draw from it is that the Provincial Governments are competent to send properly framed Bills.

Q.—You have rather gone off into a side issue. I might suggest to you that if the Bill was perfect, there was no reason why non-official members should send in a host of amendments afterwards ?

A.—Well, the amendments were within the provisions of the Bill.

Q.—We will leave the subject of legislation. In paragraph 108 you talk about a provincial law being passed to give stability to the Services. By “stability” you mean giving them a sense of security ?

A.—Yes.

Q.—Do you think the passing of an Act in the local council would really give the services any sense of security ?

A.—Yes.

Q.—Because in the next session the Bill could be altered or amended, as you suggest, without any control from overhead—it would be a purely provincial matter.

A—But when such an Act is passed everybody will understand that it is meant to be for permanent use and not to be changed every now and then.

Q.—Nobody understands that any law is perfect. Everybody is trying to alter every law.

A—Of course laws are liable to alteration at any moment but I don't think a law of this kind would be altered.

Q.—Passed perhaps in one session by a majority of 10 followed by a general election and a change of parties ; the majority of 10 then converted into a minority of 10. Do you think in those circumstances there will be any sense of security in the services ?

A—I don't think that is likely to happen ; if it does, then it will not create security. There is something like continuity of administration, and the people know it.

Q.—Now you told us that dyarchy must go ; you said it cannot be mended. You have made suggestions for amending the rules to make dyarchy more bearable, but it must go by its inherent defects. By 'inherent defects' do you mean defects that cannot be cured by minor amendments of the Act, but alterations of the rules or by a rectification of present practice ?

A.—Yes, by rectification of present practice and by minor amendments in the rules.

Q.—I say any amendment of the rules that is within the Act.

A.—But any amendment of the rules cannot put an end to dyarchy so long as the Act stands there.

Q.—By minor amendments of the Act I mean amendments that do not entirely upset the constitution as framed under the Act.

A.—That means section 52, but the other section of the Act will be kept as it is.

Q.—Oh yes, the sections that provide for the appointment of Ministers ; but when I say minor amendments of the Act I mean for instance the section providing for the appointment of Ministers might make a change in the method of appointment, not abolishing the Ministers altogether. Instead of the Governor appointing the Minister, the Minister might be selected from a panel or something else. I should regard that, from my point of view, as a minor amendment.

A.—That is another matter but the Act proceeds on the supposition that there will be a distinction between reserved and transferred subjects. That is a material amendment.

Q.—That is your inherent difficulty in dyarchy ?

A.—Yes.

Q.—That there is a distinction between transferred and reserved subjects ?

A.—Yes.

Q.—Under the Act as it stands more subjects can be transferred.

A.—Yes ; but not all subjects.

Q.—And as long as there is the slightest reservation then the system laid down by this Act is unworkable ?

A.—Yes.

Q.—There will be no reservations at all ?

A.—No.

Q.—And you say there must be no control ; the remedy is full provincial self-government ?

A.—No.

Q.—Now, do you know of any constitution in which provincial Governments and provincial legislatures are free from any control from the central authority ?

A.—What is meant by control ? Financial control ?

Q.—Would you permit financial control ?

A.—Yes.

Q.—Is it not rather difficult to exercise financial control without at the same time introducing some administrative control ?

A.—That is, I do not want to have financial control.

Q.—Oh, you would abolish it ?

A.—Yes ?

Q.—I understand you would abolish all control.

A.—Control in what respect ?

Q.—Legislative control—as was pointed out just now, in the matter of certain laws the control of the Central Government would be necessary.

(*Mr. Chairman*).—*Q.*—Would you permit the Local Governments to make war on one another ? Would you permit the Central Provinces Government to make war, for instance, on the Government of Madras ?

A.—That is not what is meant by provincial autonomy. I don't think anybody has understood it to mean authority or permission for one local Government to wage war against another.

(*Mr Chairman*).—*Q.*—I am not putting the question myself but I am trying to put to you Sir Henry Moncrieff-Smith's point. You said there should be no control and he is trying to get out of you an admission whether there ought not to be some control.

A.—Of course when there is likely to be friction between two Governments and things like that.

(*Mr Chairman*).—Just so.

(*Sir Muhammad Shafi*).—*Q.*—In matters of inter-provincial relationships you would not give the control to the central authority ?

A.—That is what is understood by provincial autonomy.

Q.—If control to this extent is possible, why do you say that dyarchy—that is to say, the majority of subjects administered by Ministers with a small reservation of subjects in the Executive Council—why is it impossible ?

A.—In the first place, may I ask which subjects can you reserve, and why is it necessary to reserve the subjects ? It all depends upon the importance of the subjects to be reserved. Nobody would like to reserve any unimportant subjects.

Q.—We are not discussing for the moment whether it is necessary to reserve or not. I am asking you why it is impossible. I read this in the

public utterances of very prominent men in India, politicians and so on—that it is almost impossible and the parrot cry is raised “Dyarchy must go !” What I am waiting to find out from you or from anybody else for that matter, why it is impossible. What are the inherent defects ?

A.—You divide the Government into two parts. Government must be one and indivisible, which it cannot be so long as you reserve certain subjects. The members of the Government must have joint responsibility for the Government as a whole, but if you reserve certain subjects and transfer others, even if one-half or one-quarter, still the Government is divided.

Q.—Just one question with regard to legislative control, Mr. Kelkar. I do not know what you mean when you talk about free power to initiate legislation. Would you abolish the requirement of the assent of the Governor General in Council ?

A.—That is merely a formal matter.

Q.—Not by any means formal.

A.—So far as provincial legislation is concerned, and legislation which relates to the province only and which does not or which is not intended to amend any Act of the Central Legislature, I would not have the assent of the Governor General.

Q.—Then again,—the same question that Sir Muhammad Shafi put to you just now—who is going to decide whether a Bill requires the assent of the Governor General or not ? Who is going to see whether it is a matter merely of provincial concern or not ?

A.—If the Governor General’s sanction is to be required simply for the purpose of seeing whether the Local Government has acted within its jurisdiction or not, then I do not see any serious objection. But if it is for any other purpose then I think it is open to objection.

(*Sir Muhammad Shafi*).—A Bill must be sent up to the Central Government in order to enable the Governor General or the Governor General in Council, whoever it may be, to see whether the Bill deals with purely local matters or covers other matters also which require the sanction of the Governor General.

A.—If it is to be sent up to the Governor General or to the Governor General in Council merely for the purpose of ascertaining that the particular Bill is within the jurisdiction of the Local Government, then I do not see any objection.

Q.—My difficulty is in getting an exact definition of the kind of bills in these cases which would require the Governor General’s sanction and the kind of Bills which would not. Would you care to sit down and draft a section defining matters of purely provincial concern ?

A.—Yes.

Q.—Don’t you think that some attempt has been made to give effect to your desire of purely provincial matters ? Can you show me any item in section 80 A. where sanction is required which is a matter of purely provincial concern ?

(*Sir Muhammad Shafi*).—Mr. Kelkar has already admitted in reply to a previous question that every one of the items (a), (b) and (c) cover more than purely local matters.

Q.—Would you do away with a provision which gives His Majesty power to disallow any Act of the Indian Legislature or any Legislature in India ? The power is there of disallowance in regard to any Legislature in India ? Would you restrict that power ?

A.—Because it is the sanction of the Crown.

Q.—Would you restrict it ?

A.—In the case of His Majesty's sanction ? I would not restrict it, because law would require the sanction of the Crown. I look at it from that point of view.

Q.—Do you think Parliament will be at all likely to pass a law which would remove the necessity for assent of the Governor General to Provincial Bills ?

(*Mr. Jinnah*).—How can he say whether Parliament would pass such a law or not ?

Q.—He knows what the Local Councils are likely to do.

(*Mr. Jinnah*).—His experience is of the Local Council and not of Parliament. He has not been a Member of Parliament.

Q.—You told Sir Tej Bahadur Sapru that you were of opinion that if in the administration of Law and Order as a Minister—that subject having become a transferred subject—you were required to take strong measures, you would get the support of the Local Council.

A.—Yes

Q.—Can you explain to the Committee what strong measures you had in your mind ?

A.—Even shooting.

Q.—Very often, matter of shooting would not be heard by you immediately. You might hear about it a day or two after the shooting took place. You might be at headquarters. The necessity for shooting may arise somewhere else and the man on the spot decide whether shooting is necessary or not ?

A.—Yes.

Q.—I want you to tell us of some strong measure which you had in your mind in which you would take the initiative, and for which you would be entirely and directly responsible. You would be only indirectly responsible for shooting, not directly.

A.—You mean what strong measures a Minister would take in order to prevent the breach of the peace ?

Q.—Have you any strong measures in your mind ?

A.—Well, legislative measures may be necessary ; administrative measures may be necessary.

Q.—Now, suppose the situation was so bad in your province that you as a Minister decided that the ordinary law was not sufficient to maintain or restore order. That is conceivable. Suppose you found yourself under the necessity of introducing what is generally referred to as a repressive law. Do you think your Council would be with you ?

A.—Yes ; if the responsibility of maintaining law and order is thrown on them, then certainly.

Q.—The responsibility is thrown on them now when the Government brings in a measure and says, " You are responsible for this ; you may throw it out or pass it."

A.—That is not what I understand by the word ' responsibility '. It is purely a Government measure—a Government which is not responsible to the people.

Q.—Responsibility is a sort of catch word.

A.—It may or it may not be. But that is what I understand by the word ' responsibility '. That is, a measure brought by a Government which is responsible to the people.

Q.—But if at the present moment, what I refer to as a repressive measure is put before the Council, the Council say : " We have no responsibility for law and order ; we won't pass it." ?

A.—No, that is not how they put it.

Q.—What then ?

A.—What they say is that such a measure is not necessary.

Q.—Because it is introduced by Government. If it were introduced by a Minister, the Council will recognise it. Is that so ?

A.—Yes

(*Mr. Chairman*).—*Q.*—Just one moment I don't want to have any mistake about this question of provincial autonomy. Will you look at Rule 49 of the Devolution Rules ? Rule 49 refers to superintendence, direction and control. Do you agree that that should be the limit of the control of the Central Government or would you think that the limit should be more than that ?

A.—Here a distinction is made between transferred and reserved subjects.

(*Mr. Chairman*).—*Q.*—I assume that that limitation would apply to all subjects ?

A.—This rule deals with transferred subjects.

Q.—I am suggesting that for the words " transferred subjects " you should read the words " all subjects ".

(*Mr Jinnah*).—*Q.*—The question is, supposing that all subjects were transferred, would you agree to the limitation of control of the Central Government as provided by Rule 49 ?

(*Mr. Chairman*).—*Q.*—Would you accept that amount of limitation ?

A.—Will you kindly give me two or three minutes to think about it ?

(*Mr. Chairman*).—There is no difficulty in the matter. It is the exact control which the Government of India at present have over transferred subjects.

(*Mr. Jinnah*).—*Q.*—Do you accept the principle of Rule 49 ?

(The Chairman did not press the question.)

Maharaja of Burdwan.—I understood from you on Saturday that you were a Minister in the Central Provinces Government with regard to Local Self-Government, Public Works, Public Health including Medical Relief, and Education. Am I correct ?

A.—Yes.

Q.—I also understood that before the introduction of the new reforms scheme, you were returned twice to your Local Legislative Council and that once you were returned by the Landlord or Landholders' constituency !

Q.—At the time when you were returned by the Landholders' constituency, did you represent correctly the views of your constituency when you were a Member of the Legislative Council?

A.—Yes, I did.

Q.—Then, when you came in again under the reforms, what made you leave that constituency?

A.—Because that constituency was no longer in existence, and secondly, unfortunately, I was not a landholder in possession of property paying land revenue of Rs. 3,000 a year or over.

Q.—Am I to understand, then, that before the reforms, the Landholders' constituency money qualification was lower than the money qualification now?

A.—Yes.

Q.—Supposing now you had a Landholders' constituency in your province with the same money qualifications that existed before the reforms, would you have chosen that constituency in preference to any other constituency in your province?

A.—I would have given preference to a general constituency. But if I wanted to get into the Council anyhow, then probably I would have gone for a special constituency, but I have no love for a special constituency.

Q.—I quite understand that. What I am driving at is this. Supposing you had the qualifications which unfortunately you do not possess (*Mr Jinnah*.—"Fortunately.")—at the present moment in the Landholders' constituency, would you still have any inclination to go through a general electorate into the Legislative Council rather than through a special constituency like the Landholders' constituency?

A.—I would like to go into the Council through a general electorate and not through a special electorate.

Q.—That was the point I was driving at, not the point that Mr Jinnah thought I was driving at. Your inclination would be to go into the Council through a general constituency, the reason being not because whether you possess the necessary money qualification or not, but because of your dislike for any special constituency?

A.—Yes. They are undemocratic.

Q.—That being so, you would not prefer any special constituency—it does not matter whether you were a Muhammadan or anybody else. Supposing that for political reasons it was necessary to have special constituencies which you would refer to as communal representation on the Council, or in other words, protection of minorities. Would you, so long as policy probably necessitated special constituencies, allow other minorities to have special representation like the Muhammadans?

A.—Well, I think, I have sufficiently answered this question in answer to other questions put.

Q.—No, you have not. What I say is that you have answered questions regarding the Muhammadan special representation because every member of the Committee has questioned on the Hindu and Muhammadan basis. My question is more a question of the protection of minorities. Whether it is creditable to a particular minority to have

What I say is that when you have to accept a policy, not a principle, giving protection to a class or community, whether it be Muhammadans or Jain or anybody else, when you once accept that policy, would you go further and accept for the sake of policy giving special protection to minorities? It does not matter whether they are landlords, or whether they are Muhammadans, or anything else.

A.—Well, in the first place I won't accept that policy at all.

Q.—It is not a question of you, Rao Bahadur, accepting the policy. But the question is whether it would be expedient for the country to accept that policy. In other words, for instance, if what you call your ideas of prophecy were falsified, supposing that there was no Muhammadan electorate in your province and the result was that there was no Muhammadan returned and, in consequence, the Local Government had to appoint a certain number of Muhammadans to adjust the equilibrium and in practice it became that communal representation was necessary, what I want to get at is that if in practice in your own province communal representation became necessary, would you then agree to other communities or minorities getting special protection. The reason I ask you this question is that on the first day, I think you got rather excited and said you would not give this privilege even to the Mahratta Brahmins.

A.—Yes, I did say that I would not give it even to Mahratta Brahmins.

Q.—Supposing in your own province that the Mahratta Brahmins like the Muhammadans were in that position where without special representation they would not get themselves heard in your Council, and supposing for the sake of expediency the Muhammadans were given special seats, would you then extend that privilege to the Mahratta Brahmin or not?

A.—That assumes a good many things. I won't give it to any.

Q.—If you accepted a compromise with regard to one community, would you not have it for the Mahratta Brahmin also?

A.—I cannot answer this question until we know the circumstances in which I shall be required to consent to the compromise.

(*Sir Muhammad Shafi*)—*Q.*—In that connection, may I ask you, if you had to recognise communal representation, would you confine it to the main communities, or extend it to the minor sub-divisions of each community?

(*Mr Chairman*).—I think the witness has said very frankly that he won't give communal representation to any community in any shape or form.

Q.—If for reasons of policy of expediency you give to the Muhammadans special representation would you still deprive the Mahratta Brahmins, the great landholders, the Buddhists, or whatever else may be the minority community in your province which now gets special representation—would you deprive them all of that privilege and give it to the Muhammadans only?

A.—If you concede it in one case, can you logically refuse to concede

question. I again repeat the answer that I have given, that if you concede in one case you cannot refuse to concede it in other cases. That is the poison I am seeing in it, and it is spreading to other communities.

Q.—In your opinion you think that so long as concession has to be a policy that concession cannot stop at A but may go on to Z?

A.—It cannot stop at A.

Q.—What I wanted to drive at is this. So long as you have got to swallow what is to you a bitter pill of giving communal representation to a particular class or race, so long you would not be able to stop other minorities getting communal representation or special electorates?

A.—No. We cannot stop it logically.

Q.—When you became a Minister of your province what was the ratio of official to non-official Chairman of local bodies in your province?

A.—You mean the District Councils or Municipalities.

Q.—What we call District Boards, Municipalities?

A.—I think that we have in a very large majority of cases non-officials as Chairmen.

Q.—But since you left has the rule been changed? Is it rather the rule to have non-official Chairmen and an exception to have official Chairman? I want to know what is the actual practice in your province.

A.—In actual practice in a very large majority of cases we have non-official Chairmen.

Q.—In other words, you have not got to that stage of having non-official Chairmen in every place with the exception of one or two places only maintaining official Chairmen? You have not got to that stage?

A.—We have got to that stage. We have got non-official Chairmen almost everywhere.

Q.—That is why I am asking you about. What is the ratio?

A.—I could not give you.

Q.—Supposing there were 100 district councils.....

A.—There are 22 district councils, and out of them.....

Q.—Out of them how many have non-official Chairmen?

A.—In almost every district council I believe there is a non-official Chairman. If you will give me the last report on the working of the Local Self-Government Act in the Central Provinces. I shall give you the exact detail. I am now only speaking from memory.

Q.—What I want to ask you is this. Before in the province of Bengal the district boards which were permitted to elect their own Chairmen invariably had Official Chairmen. There is a general opinion held by certain classes of officials as well as non-officials that not only has the efficiency of the district Council been impaired, by the appointment of a non-official Chairman, but that non official Chairman would not be able to have the same facilities as a district officer had when he was Chairman of the District council. I want to know whether you have

A.—That is, that a non-official Chairman has not got the same facilities as an official Chairman ? Well, he may not have the same facilities, but they are working satisfactorily.

Q.—I mean to say whether this complaint has been general in your province too, or rather a sort of plea against changing.....

A.—I may tell you at once that in 1920 the Local Self-Government Act was amended and one of the provisions in the Central Provinces Local Self-Government Act is that no official should be a member of a local council. Consequently, no official can be a Chairman of the district council.

Q.—In that sense your Local Self-Government Act goes further than that of some of the major provinces. What I want to find out is whether that change has brought in any difference in your district administration, in the administration of the local bodies ?

A.—No.

Q.—Has that change been appreciated by the people in general ?

A.—Yes.

Q.—Has efficiency been maintained ? Has there been any falling off in the efficiency ?

A.—No.

Q.—I should like to ask you this question. Supposing you had the same powers as a Member of Council has on the reserved side, that is to say, you were consulted in matters relating to reserved subjects, would you be willing to give that power to a Member of Council regarding the transferred subjects ? I am only talking purely as an administrative measure. I am only talking purely of the administrative unit or Cabinet as it is called. The two Ministers we have had up to now have both come from the Central Provinces, and there seems not purely a sentimental objection, but a real grievance as to the way in which they had been treated, namely, as if the Members of Council were Gods and the Ministers were merely advisers. Do you think that it would improve matters if Members of Council and Ministers were not in the watertight compartments that they are in at the present moment, but that so far as the Cabinet is concerned, it was always working as a whole and not by calling of joint meetings—I do not want any Minister to think that he can only call for a joint meeting because he wants to have one—but supposing that the Cabinet was always considered as a whole, then the Ministers would be far better regarding their position than they are at present ?

A.—In what respect ? In some respects they may be happier.

Q.—If the Governor had only one Cabinet, that is to say, whenever there had to be a joint meeting it was always a meeting of members and Ministers, if that was made the absolute rule, which would give opportunities to both members and Ministers to see each others papers when a matter came up before the Cabinet, do you think the Ministers would be happier ?

A.—Not altogether, unless I know what the Ministers are to do there, would they vote or merely have a vote ?

Q.—They will have a vote in the Cabinet (The Chairman : On reserved subject ?) I will come to that afterwards. What I meant

to say was that although they would not be responsible to the legislative council they would feel that they had a vote in the Cabinet.

A.—A vote in the cabinet ; and the vote would be acted upon.

Q.—It would be binding if it was a whole Cabinet no doubt ?

A.—A binding vote—

(Mr. Chairman : Is it your question Maharaja that all members of either side of the Government should be present at Cabinet meetings and Ministers and members should vote alike ? The Maharaja of Burdwan. Yes.)

A.—Then I take it that there would be a joint cabinet.

Q—There would be one cabinet ?

A.—One cabinet without any distinction of Ministers and members and all subjects or all matters of policy dealing with different subjects would be placed before the cabinet for discussion and decision ; then the Ministers would have a right of vote and that vote would be binding. You ask whether under those circumstances the Ministers would be happier. Well comparatively they would be happier. But I must know something more before I can say if they would be constitutionally happier.

Q—Supposing that were so, even then do you think it would be possible to have in the legislative council still the two departments, reserved and transferred in this sense that the legislative council's vote on the transferred subject would be binding on the Governor with the exception of those cases in which he could use the power of veto and certification and in the other cases it would not be binding on the Government, but the existing practice would continue ?

A.—That means you practically nullify the votes which the Ministers have given in the cabinet and therefore the Minister's position would not be happier.

Q.—What I wanted to find out was would the Minister be personally happy if he had the full power of vote in the Cabinet. It does not matter whether he was responsible to the legislative council for the department or not.

A.—But the Minister is not there to satisfy his own personal vanities.

Q.—The question of personal vanity does not arise. Do you think the distrust would be less, because there seems to be a certain amount of sensitiveness which the Minister feels that he is only called upon to a joint meeting when it suits the Governor or the policy of the reserved side ? Supposing now the Governor were to trust his Minister as to have invariably one joint meeting of the cabinet, would it improve the position of the Ministers if afterwards when they came up in the legislative council the present restriction of reserved and transferred remained ?

A.—In some cases it might improve, in other cases it might also make the position of the Ministers worse ; if especially the Governor over-rules the Ministers' votes or afterwards over-rules the decision of the council, in such cases the Ministers position would be much worse. There would be cause for greater resentment. The Ministers would then say 'Look here, we gave a vote, we represented the popular view before

Q.—That being the case, would you, before you think of abolishing dyarchy, make it a dire dyarchy ? In other words would you make it absolutely water-tight dyarchy in this sense that the Ministers would no be called on to any joint meeting in regard to the reserved departments. The cleavage which now exists under a particular rule of the Government of India Act will be more marked. In other words there will be no joint meetings.

A.—No, I would not recommend that.

Q.—What I am driving at is, you want to abolish dyarchy without giving it a fair trial. In my opinion dyarchy has not been given a fair trial under the new constitution, whether I like it or not. The Government of India Act has been faulty in that it has provided that wherever possible the two halves of Government should meet. You give a thing on one hand and you say you can't have it on the other. That means dyarchy has not had a fair trial. Would you like dyarchy to have a trial in the sense that dyarchy is understood to be pure and simple dyarchy before you condemn it. It has never been tried in any provincial government ?

Q.—Then from your question I understand that the word dyarch is understood differently. What is the general sense in which the word dyarchy is understood ? I have got two meanings with me, one distinction between Reserved and Transferred halves of Government, and the second is power over the Ministers of the Governor to over-rule. If you were considered to be a member of council in charge of a transferred department, and so far as that transferred department is concerned the power of the legislative council was absolute, would you consider your position better than at present ?

A.—How can it be considered better I cannot conceive ? The joint purse is there.

Q.—The question of joint purse does not arise ?

A.—The success of every scheme depends on money. If you have got no money, there is no use talking about anything.

Q.—Supposing you have a separate purse, would you still condemn dyarchy ?

A.—I would still condemn dyarchy, because it is very undesirable to have water tight compartments. Government must be responsible for the whole administration.

Q.—Under the present scheme nothing makes the Governor responsible. That is where the difference lies, under the present scheme it makes the Governor responsible for the two halves of the Government ?

A.—Are you prepared to do away with the Governor altogether ?

Q.—I am asking you whether you would like to give dyarchy a trial if the Governor is made responsible for the two halves distinctly ?

A.—I do not think it will work. It would be unwise to divide the Governor into two parts. You are practically dissecting the Governor into two parts.

Q.—You want to abolish dyarchy without any further trial.

Q.—I do not think you have had sufficient trial. I do not think dyarchy and what is meant by dyarchy has been understood. The sentimental objection has been that in a whole cabinet part of it should be under the control of the legislative council and part under the control of Government. So far as the ministers are concerned, they have had joint meetings, but they have had no power of voting. Therefore dyarchy as enunciated in the Government of India Act must go.

A.—That is not the point.

Q.—Not dyarchy as understood theoretically, but dyarchy as is meant to be ?

A.—It comes to this then that under dyarchy as we understand it, the position of the ministers had become awkward and under your scheme you want to make the position of the Governor absolute.

Q.—Yes.

A.—If the Governor is prepared for it you must consult him.

Q.—I am asking you what you think of it as a minister. There is no Governor here to give evidence.

A.—I do not think any Governor will agree, but I am not in the confidence of Governors.

Q.—I am asking you what you think about it as a minister ?

A.—As a Minister and with my practical experience, I can say that no governor would agree.

Q.—What is your own view, as a Minister ?

A.—The Ministers also would not agree.

Q.—Why ?

A.—For this reason that you are dividing the administration into two parts. My main point is that the Government must be an indivisible one.

Q.—Now a great deal has been said about memorandum to standing committees. When a standing committee is called by the Minister or member as the case may be, a general memorandum of the case is given. Do you want that members of the standing committee should be shown all the papers ?

A.—They must know the reasons.

Q.—Do you think that you will be able to carry through your policy in the legislative council if further papers or more details were shown to the members of the standing committee ?

A.—Yes in some cases it will have that effect, if they know all the opinions, for instance ; not the secretariat note.

Q.—What other papers do you possess except Secretariat notes ?

A.—Several papers. For instance, in the case of a legislative or other measure we collect the opinions from the different officers.

Q.—Do you think if you did that that the standing committee of a department would be able to persuade the legislative council to support

A.—What I mean is that the members of the standing committee should not be regarded as mere outsiders and should not be called upon to vote on any particular matter without giving them full opportunities to know all the facts and the grounds on which a particular measure is based.

Q.—What other material do you think should be supplied to the standing committee other than the memorandum?

A.—That is done invariably. . .

Q.—I am asking you a concrete question. Would you ask your Secretary to send the main file of your department?

A.—No, no: not the main file. Papers might be lost or stolen. I do not mean that.

Q.—What do you exactly want?

A.—If a memorandum is sent containing all the facts and the grounds on which any particular measure is based, that will serve my purpose.

Q.—Is not that a difficulty that the Minister or Member can himself rectify?

A.—He can rectify it. The Member can rectify it with the consent of the Governor. There were however certain difficulties and we were told that certain papers should not be shown to members and not even the contents of those papers should be disclosed to them.

Q.—Did you in actual practice find in the Legislative Council any inclination on the part of the members of the Standing Committees to utilise information of a confidential nature that they were given in Standing Committees?

A.—Not always. If they wanted to know all the facts and the reasons

Q.—It is not a question of their wanting to know the facts. What I want to know is whether, after knowing certain facts, they did try to adduce some further information in the Legislative Council?

A.—Not generally.

Q.—There has been a great deal said about the joint consultation of the Governor with his Ministers. Do you think that the transferred departments, as they are now constituted, require such a consultation? I can conceive of a case when you are going to have a bill, say, for public health which will affect your other colleague's work as well. But ordinarily do you think that the same practice which exists on the Executive half of the Government would improve the administration on the transferred side if it were followed?

A.—Certainly

Q.—In what way?

A.—We do require consultations with regard to various matters. For instance, education.

Q.—If that be so, do you think that the Governor should hold not only a joint meeting of the whole Cabinet but also a joint meeting of the transferred side? Would you like that to be made a rule?

A.—Yes ; if the distinction between the reserved and the transferred side is to be kept.

Q.—According to the present constitution it has got to be kept unless the constitution is changed. So long as the present constitution continues, do you think that it would be advantageous to the Ministers themselves to have regular joint meetings of the transferred side, not simply joint meetings of the transferred and reserved side together ?

A.—It would be an improvement to a certain extent.

Q.—Would you like that to be made a rule ?

A.—Yes.

Q.—Would you like that to be left to the discretion of the Governor or would you like it to be laid down in the rules ?

A.—It must be laid down in the rules.

Q.—You have said that there is a certain amount of complaint as to the postings I suppose in your province postings are made by the Governor direct, known as Schedule I appointments. Supposing a District Magistrate is transferred from Nagpur to some other place. What would be your particular desire to have the privilege that you should be consulted over that posting ?

A.—The District Magistrate, in the first place, is not under the control of the Minister.

Q.—I know that. What I want to get at is that when you were complaining were you complaining only of appointments relating to transferred side or were you complaining of all the appointments made by the Governor direct ?

A.—I have principally confined myself only to the transferred side.

Q.—Did you also complain of appointments relating to the reserved side ?

A.—No, I did not complain about them.

Q.—Supposing the Governor had made appointments relating to the reserved side and did not consult the Minister as he does now, do you think that is a bad practice at all ?

A.—It may be a bad practice. For instance, as a Minister I want to establish village panchayat in a certain district, then I should certainly like to post to that district a revenue officer who is in sympathy with that institution.

Q.—In other words, as a Minister you would like to have a say so far as the postings of officers are concerned simply because his posting may have an effect on some policy of the Minister in a particular area ?

A.—Yes, that particular officer has to deal with that particular subject.

Q.—Now I come to your recommendations as to Honours. Did not your Governor write to you periodically before his Honours were recommended to the Government of India as to whether you had any recommendations to make relating to your department ?

A.—No. It was only for the first time that I read the names in the papers.

Q.—May I understand then that in the Central Provinces the policy has been for the Governor never to consult his Ministers as to whether his Ministers wanted any decorations given to certain people in their own departments or not ?

A.—It has not been done.

Q.—I am surprised at that statement. I understand that is not the practice in other provinces. Do you mean to say further that not only did the Governor not consult his Ministers but that he went further and consulted his Secretaries and asked them—supposing it was the Secretary in charge of the Municipal Department—whether there were any officials in the Municipal Department who should be honoured and that the Secretary sent up his recommendation without even consulting the Minister and without even showing the letter of the Governor or the Chief Secretary to the Minister.

A.—Such a letter was never shown to me.

(*Mr. Chairman*) —*Q.*—Do you know that any such letters were written on behalf of your department by any of your Secretaries and that they were not shown to you ?

A.—I do not think Secretaries have got anything to do with it. What I understand the practice is that these recommendations are sent directly to the Governor by the heads of the departments or the Commissioners of the Divisions.

Q.—What I want to get at is that the Chief Secretary or the Private Secretary as the case may be, writes to the heads of the departments and finds out whether there are any recommendations from their departments. What I want to know is that, when the departments under you send up these recommendations, do they consult you about them ?

A.—No, they have never consulted me about them.

Q.—And you personally as a Minister were never consulted and never asked to send any recommendations for any officers ?

A.—No.

Q.—You made day before yesterday a most surprising statement, namely, that the Ministers' functions are purely advisory and that the responsibility was not in any way real. Please correct me if I am making a mistake. Do you mean to say that in all these measures that you passed during the three years that you were a Minister, all those Bills were not your Bills ?

A.—They were my Bills.

Q.—Did you not have any responsibility for them ?

A.—Yes, I had responsibility.

Q.—Then what do you mean by the expression that the Ministers' functions were purely advisory ? If the Governor had not accepted your advice, would those Bills have been passed ?

A.—I could not probably introduce those Bills.

Q.—In that case the Governor did accept your advice ?

A.—Yes, he accepted my advice.

Q.—That being so, is it not rather a sweeping assertion to make that the Ministers are mere advisers and that their functions are not real?

A.—I don't think it is a sweeping assertion. It is a strictly logical and legal assertion to make having regard to the provisions contained in the Government of India Act.

Q.—What I mean to say is that if you say that the Ministers' powers are really imaginary....

A.—I did not say imaginary.

Q.—If the Minister's responsibility was not real, how was it possible for him to take responsibility of a particular measure in the Legislative Council if that responsibility is not real?

A.—I can take responsibility for giving advice.

Q.—It is not a question of giving advice. The responsibility must be real, otherwise how could you introduce a legislative measure?

A.—I introduced the legislative measures with the consent or under the orders of the Governor.

Q.—Did you introduce a legislative measure under the orders of the Governor or did you introduce it because you thought that it was necessary for your province?

A.—Because I thought that a legislative measure was necessary.

Q.—A little while ago you said that you never considered the Governor's notes as orders but mere suggestions. You have just now been saying that you introduced legislative measures under the orders of the Governor?

A.—I am afraid my answer was not properly understood by some members of the Committee. When I said that I regarded certain suggestions or certain notes of the Governor as mere suggestions I was dealing with a question which was put to me in regard to certain administrative matters, which the Governor did not wish to dispose of himself but he left it to me entirely to decide after taking into consideration certain observations made by him.

Q.—What I am driving at is this. It is rather contradictory in terms for a Minister to assert that his powers are purely advisory and not at all real when that very Minister can, if he gets his Governor's consent and the consent of his Government, introduce measures and have them passed.

A.—I don't think it is contradictory in terms. But in order to satisfy you I may say that it is a qualified responsibility.

Q.—It is not a question of satisfying me. I want to know what is your view. When you make an assertion that you have got no real power or responsibility, I think you yourself would qualify it if I were to point out to you that there is a certain amount of responsibility which is very real. It may not be sufficient, it may not be the same as a Member of Council has, but to say that you have no responsibility is rather a sweeping assertion?

A.—I have never said that there is no responsibility.

Q.—I think in reply to some Member's question you did say that your functions are purely advisory and not real. I took down your very words when you expressed them.

A.—I said that the Minister's duties were advisory.

Q.—Will you still stick to that view seeing that you are able to pass great many measures of legislative importance in your Council ?

A—I still say that.

Q.—Then how were you able to pass those responsible measures in your Council ?

A.—I introduced them. What I said was that all these things were subject to the ultimate sanction of the Governor and that is not, what I understand to be a real responsibility. Therefore, I said that I am prepared to say that it is a qualified responsibility.

(*Dr. Paranjpye*).—*Q.*—The heads of departments often send over many proposals which are accepted by the Governor and the Minister. Would you say that the heads of departments are responsible for the things that have been sanctioned ?

A.—In the sense in which you put it to me they may be responsible ; but the ultimate responsibility is not theirs. .

Q.—I should like to ask you a question about Law and Order. Supposing Law and Order was a transferred subject, and you as a Minister had to clap into jail several political prisoners under Regulation III, and a Resolution came on in your Council saying that all political prisoners should be released, would you still, as you asserted a little while ago, be able to carry the Council with you ?

(*Sir Tej Bahadur Sapru*).—That relies on the fact that there would still be a Regulation III.

Q.—We are considering things as they are at present and not a general pandemonium that might follow if all Regulations were abolished.

A.—My reply to that question is that if as a Minister in charge of Law and Order, I make use of Regulation III, then I shall make use of that Regulation with a full sense of responsibility and a full knowledge, and belief that I shall be backed by the Council, otherwise I shall not.

(*Mr. Chairman*).—*Q.*—You will not make use of it until you have ascertained from the Council that you should ?

A.—I shall know the feelings of the Council before if I go there as a Minister.

Q.—What I am driving at is this, is the opposition to these laws being introduced or put into practice because the country at large have not got the responsibility, or is it because it is the action of the executive government ? I am asking that because there must always be an executive government, whether it is government by the people or by a foreign power or anything else.

L289HD

A.—The question, as I understand it is, are these agitations against the application of repressive laws due to the fact that the people of this country are irresponsible, or is it due to the fact that the law is made applicable by the executive government ?

Q.—No, what I said is this, do the people resent the Regulation because the Regulation is not of a responsible government by the people or would the people go on resenting any executive action by Government ? In other words does the country at large want that the legislative rather than the executive should be the final authority in the country ?

A.—No, what they want is that the executive should be subject to the control of the legislative authority.

Q.—In everything ?

A.—Yes, and if it is so, then they presume the Executive would not go-wrong.

Q.—I am asking that because a very responsible member of what is known as the Swaraj party made the most surprising statement in the Bengal Legislative Council last March that one of his complaints was that he could not dismiss a police officer. I did not know that any legislature in the world wanted the power to dismiss individuals. That is why I was asking the question. You said when you over-ruled certain departmental orders, you got demi-officials and you said fortunately they were from European officials. Why did you say fortunately ?

A.—Well, if I had received similar demi-officials from Indians then probably they would have said that these Indian Ministers do not know how to maintain discipline. I did not encourage that kind of thing.

(*Mr. Chairman*).—Q.—Would you mind repeating that ?

A.—He asked me to say why I said fortunate. What I meant was if similar demi-officials had been sent to me by Indian subordinates, probably they would have suffered. Very severe measures would have been taken against them ; that is what I mean.

Q.—Supposing you had over-ruled your Secretary ? I am sure on these departmental facts you do not over-rule a tahsildar or somebody very low in rank. In a departmental file, if you disagree, you disagree with the Secretary or whoever he may be. Supposing you had over-ruled A. who happened to be a European and he had protested against your order, that it was not correct and therefore took his case up to the Governor. Supposing, instead of A. it was Khan Bahadur Abdul Karim, would you have considered yourself to be fortunate because the Secretary happened to be a Khan Bahadur and was an Indian ? I cannot quite follow.

A.—What I meant by fortunate was that in these acts in administrative disciplinary matters the Indians were not responsible.

Q.—I am at a loss to understand what you mean by fortunate ; however I will not press it as the Chairman does not wish it.

The Chairman having stated that the Committee was much obliged to the witness for giving his evidence, the Committee adjourned at 2-10 P.M., till Wednesday the 13th August, 10-30 A.M.

Wednesday, the 13th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Gokaran Nath Misra, and Mr. Hirdaya Nath Kunzru on behalf of the United Provinces Liberal Association, Allahabad.

EXAMINED BY THE CHAIRMAN.

Q.—You desire to give evidence in public ?

A.—Yes.

Q.—You desire to give evidence on behalf of the United Provinces Liberal Association ?

A.—Yes.

Q.—Would you tell me what connection you have with the Association ?

A.—My name is Gokaran Nath Misra. I am the Vice-President of the United Provinces Liberal Association, and have been connected with it almost ever since it was started.

Q.—And your colleague ?

A.—(By 2nd witness) : My name is Hirdaya Nath Kunzru. I am a member of the Association. I was at one time Secretary of the Provincial Liberal Association and have been a member of the Association—I mean, of the Party and of the Association ever since it was started.

Q.—You are empowered by your Association to give evidence ?

A.—(By 1st witness) : Yes.

Q.—Will you tell the Committee something about your Association ?

A.—This Association has its headquarters at Allahabad. It has got more than a dozen branches in the United Provinces and on its rolls, it has members between 300 and 400.

Q.—Have you got any constitution ? Are you registered as an Association ?

A.—No, we are not registered as an Association because under the Societies Registration Act Political Associations cannot be registered.

Q.—Could you not be registered as a company ?

A.—No, we do not carry on any business.

Q.—You are not as a fact registered ?

A.—No.

Q.—Do you keep a register of members ?

A.—Yes, we do.

Q.—Do you have a paid Secretary ?

A.—No we have an honorary Secretary.

Q.—Now what is your constitution—who is the governing body ?

A.—Our constitution is that we have got a President, several Vice-Presidents, two Secretaries and then we have got an Executive Committee, and besides that we have got a Working Committee consisting of a separate Chairman altogether and members who carry on the work.

Q.—Who is your President ?

A.—Sri Tej Bahadur Sapru.

Q.—You said you had about a dozen branches—in what places ?

A.—We have got our branches at Allahabad, Lucknow, Benares, Cawnpore, Farrukhabad, Mirzapore, Agra, Sitapur, Bareilly, Aligarh, Fyzabad—that brings it to 11.

Q.—You have got about 30 members in each branch, or are they mainly at Allahabad ?

A.—(By 2nd witness) : When my friend said we had between 300 and 400 members, he meant in the central institution, not the branches.

Q.—How many have you in the branches ? Roughly ?

A.—Lucknow has got about 50 members, and roughly on an average about 30 members in the other branches.

Q.—What would the total membership of your Association be, roughly ?

A.—From 400 to 500.

Q.—Then I presume you have considerable party funds ?

A.—Yes, we have.

Q.—And you are a powerful organisation politically ?

A.—Yes, quite.

Q.—When was the Association founded ?

A.—In 1918.

Q.—It came into existence about the same time as the Reforms ?

A.—Yes.

Q.—I suppose you select candidates and put them forward for constituencies ?

A.—Certainly.

Q.—How many did you put forward in the 1920 elections ?

A.—We put forward between 30 to 40 candidates.

Q.—They stood as members of your Association ?

A.—Some of them who were not members of the Association were members of the Liberal Party and stood as such.

Q.—Did you run these candidates as a sort of political association, or were they simply members of your Association ? Did you assist them financially ?

A.—We did. We have not got such large funds in our control from which we could meet their election expenses ; but we assisted them in this way—prepared certain pamphlets, printed them and handed them over to them for being circulated in their constituencies and several of us went round addressing public meeting on their behalf.

Q.—How many of those candidates were successful ?

A.—I should say between 20 and 25.

Q.—Then when the last election came on, you did the same thing—only rather more ?

A.—Well, practically the same number.

Q.—How many meetings were addressed on their behalf by your Association ?

A.—If you take all the meetings held in the various constituencies and addressed by the members themselves, they would come to 100—150, meetings.

Q.—How many meetings did you organise on behalf of the candidates yourselves ?

A.—That number includes the number organised by the candidates themselves.

Q.—How many apart from that did your Association organise ?

A.—I should say between 20 to 25.

Q.—And how many candidates did you put forward in this election ?

A.—About 30 or 35. We fared rather badly. We got through only about 12 to 15.

Q.—Then your voting strength in the Councils may be regarded as a majority of 12 or 15 constituencies ?

A.—Yes.

Q.—You probably carried on a more intensive campaign this time ?

A.—We did.

Q.—Did you meet with very great opposition ?

A.—Yes, from the hands of the Swarajists. They were well organised. There was some opposition on behalf of the landholders too, because when the Oudh Rent Bill was before the last Council, we took the side of the tenants.

Q.—It was not popular ?

A.—Not popular with the landlords.

Q.—Not popular in the constituencies ? Do you put your defeat down to that or was it one of the factors that operated ?

A.—It was one of the factors that operated.

Q.—Now you have got your Association's Memorandum before you. I notice that you say in paragraph 5 of that Memorandum that "there is nothing more striking in the recent political history of India than the influence which the educated or political classes have acquired with the mass of the people." What has been the most striking public manifestation of this influence recently ?

A.—A striking manifestation is that the views which were advocated by the educated people are exactly the views which are held by the masses. They began to feel and they began to think in exactly the same way as the educated people.

Q.—Would you consider the Non-co-operation movement as due to the influence of the intellectual classes ?

A.—Yes, to some extent it was.

Q.—Would that be the most striking manifestation ?

A.—It would be.

Q.—That is what you refer to when you say in the next paragraph "All the symptoms of this new development may not always have been healthy" ?

A.—Yes, that is what is meant.

Q.—And you yourself have been combating that ?

A.—We have been.

A.—(By 2nd witness) : Only some aspects of it—not all.

Q.—Then you are in favour of certain aspects of the Non-co-operation movement ?

A.—(By 2nd witness) : Most undoubtedly.

Q.—You say in paragraph 8, dealing with the Hindu-Moslem situation, that efforts were being constantly made by leaders of both communities to improve the relations between them. Looking back over the last 20 years would you say you have been successful ?

A.—I think if the efforts had not been made, probably the tension would have been greater.

Q.—You think the tension is greater now than it was 20 years ago ?

A.—I won't say that, but I find it is greater than what it was in 1916.

Q.—There is a distinct increase in tension ?

A.—There is.

Q.—(To 2nd witness) : You would like to add something ?

A.—I would like to say that the degree to which two communities like the Hindus and Moslems come together can be judged only if we look back over a number of years. For the present it may seem as if there was greater tension than say in 1920 or 1921.

Q.—Your colleague said 1916 ?

A.—1916 was the year in which the *rapprochement* between the Congress and the Moslem League took place and therefore obviously the two communities could keep together to some extent—there would be absolutely no friction. Naturally they would not always keep together to the same extent.

Q.—That was not the question I asked ?

A.—But if you consider these relations since 1913, when the Moslem League adopted Self-Government as its objective, Hindus and Moslems would come together far more than they did before that year.

Q.—(To 1st witness) : You say in paragraph 9 of your Memorandum that the Association is aware that in certain quarters the view is held that the electorates in this country are not prepared to bear the full burden of responsibility and that their schooling into responsibility will have of necessity to be a somewhat slow process." You disagree with that view ?

A.—We entirely disagree.

Q.—You consider that the electorate is as fit for political power as the English electorate was at the passing of the Reform Act of 1832 ?

A.—That is our view, yes.

Q.—The electorate as at present constituted has exercised its functions on only two occasions ?

A.—Yes.

Q.—Are you aware on how many occasions before the passing of the Reform Act the English electorate had exercised these functions ?

A.—They exercised it a number of times.

Q.—Would it surprise you to learn that the main franchise in England started in the reign of Edward III, was given statutory force in 1434 and remained unchanged till 1832 ?

Q.—Are you aware that the main franchise was in existence in England in 1434 ?

A.—We are fully aware of that.

Q.—And probably during the period between 1434 and the passing of the Reform Act in 1832, there would have been a good many general elections ?

A.—There were, no doubt.

Q.—You propose in a later part of your statement to widen the franchise. Now the English country franchise was not materially altered during some 400 years, as we have seen ?

A.—That is so.

Q.—You suggest an alteration of the franchise after two elections ?

A.—The world is progressing, and we cannot take our lessons from the England of 400 years ago.

Q.—I am not suggesting that. I did not raise the analogy of England. It is raised in the memorandum ?

A.—Yes, the analogy is raised in the memorandum.

Q.—You say that the electorate should be widened. How would you widen it ? By lowering the franchise ?

A.—Certainly.

Q.—Do you think that that would add a more intelligent element to the electorate ?

A.—The state of intelligence will be exactly the same. For instance a tenant, who holds at present land and pays Rs. 50 as rent, is qualified to vote for election to the Local Council. If you bring in another tenor who pays Rs. 25 as rent, his average intelligence and that of the man who pays Rs. 50 is just the same.

Q.—You would, in fact, go further and suggest manhood suffrage because the intelligence is the same ?

A.—Well, practically their intelligence would be the same. The only difference probably would be that the man having no land may not be considered to have stake in the country to the same extent as the man who possesses land actually.

Q.—There is no difference in intelligence ?

A.—Not much, except that the one who actually cultivates and actually pays rent has got a little more experience of the world than the one who has not got similar qualification.

Q.—Would you suggest that the man who paid Rs. 50 rent had more experience than the man who paid Rs. 25 ?

A.—I do not think there is much difference.

Q.—Therefore, really the electorate might also be composed of all ?

A.—I do not think I would carry it to that limit

Q.—What is your objection to carrying it to that limit if there is no difference in intelligence ?

A.—From that point of view there is no difference.

Q.—Well, then, if you had manhood suffrage, you would have a very large electorate ?

A.—Certainly.

Q.—And that is what you desire ?

A.—That is what we desire to be our ultimate goal.

Q.—The larger the better ?

A.—Larger than the present.

Q.—The larger the better ?

A.—Yes.

Q.—You think that the broader the electorate, the broader the basis of Government ?

A.—That is so.

Q.—But in order to give a vote, some degree of political insight is necessary. Would you agree to that ?

A.—Yes.

Q.—That is, to give an intelligent vote ?

A.—Yes.

Q.—Do you think that it would not seriously affect the value as a political voting power of the electorate however much you widen the electorate ? As I understand you, you say that the intelligence of the electorate would not greatly be impaired if you have manhood suffrage. Therefore, you would consider that the addition of all those large numbers of voters would not affect the political position at all ?

A.—That would not.

Q.—You say in paragraph 3 that the present constitution was not affected by Indian opinion. You say that Indians should have a voice in the shaping of their political future. You suggest that they had no such voice. Would you like to qualify that statement ?

A.—They had a voice. They were consulted. Evidence was taken and His Majesty's Government, before they finally passed the Government of India Act, ascertained the opinion of the public.

Q.—You would qualify your statement then to some extent ?

A.—It only refers to the preamble of the Government of India Act where it is stated that the real authority which is to decide the time and the stage of each measure of progress is the English Parliament and no other body. It is only a statement made just to qualify this statement.

Q.—You controvert the view that the English Parliament should decide the stage ?

A.—We only controvert it thus far that although the British Parliament is the final authority, yet the people of India ought to have a voice in saying when a particular stage for a particular reform has been reached.

Q.—But you would not controvert the view that however great and however rightly the Indian opinion may be consulted, the actual machinery by which the advance is to be enacted is the British Parliament ?

A.—Yes, we are in that position.

Q.—You would not like to be in that position ? Do I understand you to object to that position ?

A.—As we are, we have to abide by that position.

Q.—But that position is not pleasing to you ?

A.—As an Indian the position is not pleasing to me. I would like that my own progress should be judged by my own self. But constituted

as we are, we have to take our constitution from the British Parliament. That is the position.

Q.—May I suggest to you that up-to-date, the advance, as has been made, has been made through the British Parliament ?

A.—That is so.

Q.—Would you wish to continue in the same channel ?

A.—Yes, we wish to continue in the same channel and hope to reach our goal in that way. I belong to a party that still entertains that hope, although in the country there is a party that feels.....

Q.—I am not asking about the country , I am asking about the opinion of your Association ?

A.—My association feels that there is still justification for hoping that progress will be achieved through the British Parliament.

Q.—Can you see any other way by which it can be achieved ? Can your Association see any other way ?

A.—My Association thinks there is no other way.

Q.—Please refer to paragraph 7 of your memorandum. You quote there from Lord Bryce ?

A.—We do.

Q.—I take it, the reference is to his Book on Modern Democracies, published in 1921. You quote him with approval ?

A.—We do.

Q.—You regard his political opinions as important ?

A.—Yes.

Q.—You approve of his views ?

A.—We do.

Q.—You have read the Chapter in question ?

A.—Yes.

Q.—You would accept most of his statements in that Chapter ?

A.—Well, many of the conclusions we would accept, though in some conclusions we would like to make a little modification. The broad conclusions we accept.

Q.—He is dealing in that Chapter with the extension of Self Government to countries which had previously been autocratically governed and he takes the case of the various States that he has named. He comes to the conclusion that self-governing institutions “ grow up in comparatively small and homogeneous population. India, China and Siberia are vast countries inhabited by diverse races in very different stages of civilisation. Would you accept that as a true statement ?

A.—I would undoubtedly accept his statement that India is a vast country. I would also accept.....

Q.—It is the first statement that is more important. His argument is that in very large units it is extremely difficult—he does not say it is impossible but it is extremely difficult—to establish self-governing institutions. Would you agree with that ? The unit has to be small ?

A.—Yes.

Q.—And it must be of a homogeneous character ?

A.—Well, ordinarily it has to be.

Q.—In fact, may I take it generally that you accept his conclusions in that chapter?

A.—We do, but as I have said, with certain modifications.

Q.—Generally you agree with his conclusions?

A.—Yes, with certain modifications like these. Outwardly it might appear that India is such a large country inhabited by so many people of different culture and different civilisation that it would be impossible to introduce Self-Government. I would not, however, agree to that position at all because now we have reached that stage where Self-Government has been introduced in the country and we have got these institutions, and we can fairly work on these institutions.

Q.—Are you aware of any single Government in the world which has such a large population as India that is governed by one Legislature?

A.—Not at present, with such a large population, except perhaps China. I do not, however, know much of China. I have not studied the subject.

Q.—I don't think China can be said to be "governed in". The American constitution probably is the biggest constitution, consisting of somewhere about 110 or 111 States?

A.—Yes. At present our idea is that our units possessing homogeneous elements of population should consist of the various provinces under different Local Governments, and then we should have the Central Government joining them all together.

Q.—That is the general arrangement?

A.—Yes.

Q.—What do you think of the size of the United Provinces as a unit? What is the population of the United Provinces?

A.—47 millions.

Q.—Do you regard it as too large for a self-governing unit or too small or just the right size?

A.—I think we are sufficiently homogeneous to be one self-governing unit.

Q.—Are there not two sub-provinces in the United Provinces—Agra and Oudh?

A.—Yes.

Q.—Have you ever considered the question whether self-governing institutions would not be better promoted by a division of the provinces?

A.—We considered this question a great deal when Mr. Curtis wrote about this question and suggested that it might be possible to divide the United Provinces into two provinces and that we might then introduce two separate Legislative Councils for them. But many of us felt that the two provinces had been sufficiently long together, and the administration of the whole province had been carried on very successfully so far and the people of the provinces wished that they should be together and did not favour the idea of their being sub-divided into two portions.

Q.—That is the opinion of your Association or your personal opinion?

A.—That is the opinion of the Association too.

Q.—I see that your Association dislikes the division of Government known as dyarchy?

A.—Yes, it was started for a particular object and it considers that that object has been achieved. Time was not the essence but the experience to be gained was to be the essence and that experience has been gained.

Q.—That is the three years ?

A.—Probably the time we will get provincial autonomy, we will have gone on for a period of six years and that would be quite enough.

Q.—You would regard a term less than 6 years as too little ?

A.—I do not regard it so.

Q.—Do you think that three years was sufficient ?

A.—Quite sufficient.

Q.—Would two years have been sufficient ?

A.—We cannot go on like that. Three years is the period of one Council, and, therefore, we consider that three years' period is quite sufficient. We cannot go on and say whether one year or two years would have been sufficient.

Q.—I notice that in the Central Government you propose a form of dyarchy ?

A.—That again is a transitional stage. We cannot have any other at present.

Q.—You would consider that after one election—three years—that reservation should also be abolished ?

A.—It may be one election or it may be two elections.

Q.—You would not look forward to more than two ?

A.—No.

Q.—In two elections the Central Legislature would be in a position to take over the entire responsibility of the Government of the country, the Army including ?

A.—I hope so, if the Government makes effort and puts the Army in such a condition that it may be taken over by the Legislature. That is the only difficulty.

Q.—What does your Association think of the possibility of that ?

A.—My Association thinks that in 10 to 15 years the Army can be taken over.

Mr. Kunzru.—A.—May I supplement this. You asked whether two years working would be sufficient. I may point out that as a matter of fact the All-India Federation at its session in 1921 did pass a resolution for provincial autonomy and responsibility in the Central Government.

Q.—After two years ?

A.—After one year. May I just complete what I have to say. I should also like to point out that in the representations of the Liberal Party which were submitted to the Joint Committee which considered the Government of India Bill, it asked for responsibility in the Central Government before it had had any experience of the working of the new Act at all.

Q.—I am much obliged to you for that, but there seems to be some divergence of view between you two representatives ?

A.—I should not think so. My colleague himself was present at the session when this resolution was passed.

Q.—I do not quite understand the position. The position taken up by the first witness (Mr. Misra) is that dyarchy was a troublesome necessity which had to be worked ?

A.—I do not quite catch what you say.

Q.—The first witness said that his view was that dyarchy was a transitional form of Government which was necessary for a period in order that experience might be gained. I take it that that is not your view ?

A.—I did not hear him say so that it was necessary. He said as a means merely to provide for some experience.

Q.—I won't pursue that point further. That is my impression of what he said.

A.—He will himself be able to say whether he said it. Certainly it is not my view. It was accepted as a matter of political expediency only.

Q.—It is not the view of the Association that you are representing ?

A.—I should think so.

Q.—Would you mind referring to the reference in your memorandum to the powers of the Viceroy to certify. It is in paragraph 18, no. 6 page 7 of your written memorandum. Is that reference correct ?

Mr. Misra.—That reference is wrong. It should be 67 (B) (1). That is the section where the expression "interest of British India" comes in.

Q.—You say, "The word 'interest' there is too wide and should be replaced by a word with a more definite and limited meaning. As was said when the Bill was before the Parliament, the word 'interest' is so wide that one does not know what to mean by 'interest'." You are referring to Col. Wedgewood's speech ?

A.—Yes.

Q.—I think it was Mr. Inskip who drew attention to the fact that the stress should be on the word "essential" rather than on the word "interest" ?

A.—I have no recollection of that.

Q.—You have read the debate ?

A.—Yes

Q.—Is it not a fact that Mr. Inskip following Col. Wedgewood drew attention to the fact that the stress should be on the word 'essential' rather than on the word 'interest' ?

A.—I do not remember.

Q.—But your reference was to Col. Wedgewood's speech ?

A.—That is so.

Q.—I do not propose to take you into any of your detailed remarks because I hope I am correct in believing that you never held office as a Minister ?

A.—No. I was offered office, but I refused.

Q.—(To Mr. Kunzru) : Have you ever held Office ?

A.—No. I have held no office whatsoever. I was a member of the United Provinces Legislative Council for three years ?

Mr. Misra.—I was a member of the United Provinces Legislative Council prior to the reforms from 1916 to 1920 and then I was again elected and I was a member from 1921-2.

Q.—You refused office because you had not a sufficient majority in the Legislature?

Mr. Misra.—That was not the ground on which I refused office. The ground was that the Governor had already offered one Ministership to a member of the Council with whom I thought that it would be difficult to carry on the administration on the principle of joint responsibility.

Q.—That is rather interesting. Do you think that with your present party in the Council you would be able to rely also on any other party so as to form a ministry?

A.—I felt no difficulty in that when the ministership was offered to me.

Q.—My point was this. In the present Council—I am not speaking of you personally, but of your party—supposing a member of your party is offered office, he would be able to accept it on the chance of a coalition with any other party in such a way that you can carry on the administration?

A.—Yes.

Q.—What would be that party then?

A.—I do not think it will be the Swaraj Party, but probably we may be able to create a coalition with the landholders' party.

Q.—Sufficient to enable joint responsibility?

A.—Yes.

Q.—You attach great importance to joint responsibility?

A.—Yes.

Q.—And you would not take office unless you can secure a colleague with whom you can work jointly?

A.—No. That was the very reason for which I declined to accept office.

Q.—That is the view of your party?

A.—Yes. The Governor offered it to another member of the party also and that was the ground on which he also declined.

Mr. Kunzru.—Mr. Chairman, you question my colleague about the supremacy of Parliament, in reference to what is written in paragraph 3 of our memorandum. We do not challenge the legal supremacy of Parliament. The expression is here used in a political sense. Besides, so far as I have been in touch with the members of the United Provinces Liberal Association and with its prominent members, I believe their view is that the power to amend the constitution in future should be in the hands of the Indian Legislature, I believe on the model of the Australian Act—I am not sure—I read it at one time—and not on the model of the Canadian Act which, I think, says that any change can be made only by Parliament. That is our view. It was not with any desire to controvert the legal supremacy of Parliament that that was written.

Q.—Legal supremacy and political supremacy of Parliament are the same?

A.—Politically, of course, I would certainly like that the Parliament should be guided by our wishes, especially in view of the declarations of self-determination made during the War.

Q.—We are rather in a circle. There can be no difference between the legal and political powers of Parliament because Parliament merely exercises its powers by a majority, and if you desire to work through it,

it must be with the political assent of Parliament. Otherwise it will be inoperative. I can quite sympathise with your desire that the Parliament should operate in such a way that the Indian opinion desires it to follow ?

A.—Any advance must come through Parliament, but the bald way in which it is stated there that every advance must depend in regard to time and extent on the wishes of the Parliament rather jars on our ears. I am perfectly certain that if you were to-day to deliver a speech you would not use words quite so bald as that. You would use perhaps a smoother expression which.....

Q.—I see your point. You mean to say that the language is unnecessarily offensive to your susceptibilities. You do not deny the fact but you say that it is rather broadly stated, rudely stated ?

A.—I do not say that the intention of Parliament is to deny us all opportunities of having our views heard. The words used there are hard.

Q.—I see that you are not objecting to it as being inaccurate, but you dislike the method in which it is couched ?

A.—I meant to say that these expressions are used in a political sense. We are giving expression to our political feelings and we do not challenge the legal supremacy of Parliament.

Q.—There is no distinction between the legal and political supremacy of Parliament ?

A.—I use the words 'political' and 'legal' in the sense in which they are ordinarily used.

Sir Muhammad Shafi.—Q.—Mr. Misra, towards the end of the first paragraph of this statement, your Association says that the terms of reference to the Committee are extremely narrow and restricted in scope. Are you and Mr. Kunzru of the same opinion ?

A.—Quite.

Q.—Will you kindly look at the terms of reference for a moment ? According to the terms of reference the object and scope of this Committee's enquiry is divided into two separate heads ?

A.—Yes.

Q.—To enquire into the difficulties arising or defects inherent in the working of the Government of India Act and the rules thereunder in regard to the Central Government and the Governments of Governor's Provinces. So far as that branch of the enquiry is concerned, it governs both the Central Government and the Provincial Governments ?

A.—Yes.

Q.—And it relates to the defects as well as the difficulties in the Act as well as the rules framed under the Act ?

A.—Yes.

Q.—Without any limitation ?

A.—Yes.

Q.—All defects and difficulties ?

A.—Yes, the words are there.

Q.—Even difficulties arising out of defects inherent in the Act ?

Q.—Assuming for the sake of argument that the Committee were to find that there are certain difficulties and defects in the machinery of Provincial Governments as set up in the Act and that these are due to the system of dyarchy, is there anything to prevent the Committee from saying so ?

A.—I hope not.

Mr. Kunzru.—Not under head 1. But it is head 2 and part (2) which led to that observation.

Q.—There is a difference between difficulties and defects and the inquiry in relation thereto and remedies under head 2. I am distinguishing those two and I am putting to you the question because both of you—one of you is a lawyer, a very experienced lawyer and the other is an experienced politician—can see the distinction between these two, the enquiry into difficulties and defects under head 1 and the remedies to be suggested under head 2. I am at present only referring to the first. Your answer is that there is nothing in the terms of reference under head 1 to prevent it from saying so.

Mr. Misra.—In my opinion there is nothing to prevent it from saying so.

Q.—Supposing the Committee were to come to the conclusion that there are certain difficulties in the working of the Act in so far as the Central Government is concerned and that these are due to the fact that while the Central Government is subject to control of Legislature in certain matters, it is not so in others, and hence the conflict. Is there anything to prevent the Committee in the terms of reference from saying so ?

A.—I do not think there is any.

Q.—Then you admit that the scope of the Committee's enquiry confining yourself to head 1, is unlimited and cannot be characterised as narrow under head 1 alone ?

A.—I hope you would now allow me to give my answer. On a strict interpretation, it would not, but looking to the way in which it has been worked and the fact that pointed reference has been made merely to the working of the Government of India Act and the rules thereunder, there is a general impression that the only thing which this Committee is asked to do is to enquire and report so far as the working of the Government of India Act is concerned and not to go beyond that. I would also like to add that this is the way in which many of the Local Governments, including our Local Government, have interpreted the terms of reference and this is the view which the general public also takes. I would be simply delighted to learn from this Committee or from the Chairman of this Committee if this Committee is prepared to enquire into the whole field and nothing would please Indians better than to know that this is the object of the Committee.

Q.—May I in this connection invite your attention to what Sir Malcolm Hailey said in the Legislative Assembly in his speech on February 18th ? “ Before His Majesty's Government are able to consider the question of amending the constitution as distinct from such amendments of the Act as are necessary to rectify any administrative imperfections.” Notice the word “ there must be a full investigation of any defects or difficulties which may have arisen in the transitional constitution ” Full investigation. I lay emphasis on the word ‘ full ’. Bearing what Sir Malcolm

Hailey said in this speech of his with regard to the nature of the investigation of the difficulties and defects and that it is intended to be a full investigation bearing the language which we have now carefully analysed here, don't you think that the general impression that you have spoken of is really erroneous and that there is no limitation to the scope of the inquiry in so far as head 1 is concerned ?

A.—My reply is that the Indian public was clamouring for a Royal Commission and the object of that Royal Commission—according to Indian opinion—was to be not only to inquire as to how far the Government of India Act and the rules under the Government of India Act require to be modified and how far the Government of India Act has worked properly, but also to go beyond it and to determine whether the Government of India Act requires any amendment or if the constitution which was promulgated under the Government of India Act requires to be amended. It should have said so distinctly and the public thought that an inquiry instituted merely by the Government of India would not be capable of doing it. Consequently this was the general impression. As I have said, if, according to the Hon'ble the Law Member's interpretation, this is so and if this is the correct interpretation that this Enquiry Committee would be able to carry its domain of enquiry so wide, nothing would please us more than that.

Q.—Does not the word 'inquiry' embrace both cause and effect ?

A.—Yes, both cause and effect.

Q.—Now, let us come to the second part.

A.—Only one word more. It embraces cause and effect and also the suggestion of remedies therefor.

Q.—That is why I said let the heads be separated. Now, let us come to the second head. This is how head 2 runs : "To investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act, by action taken under the Act and the rules thereunder, or by such amendments of the Act as appear necessary to rectify any administrative imperfections." Would it be wrong to say according to your judgment that all conceivable remedies can be divided into (a) capable of satisfaction by action by means of exercise of rule-making power, (b) by minor amendments of the Act, and (c) by major amendments ? Does not that exhaust the three possible remedies ?

A.—The only difficulty in my way is that I can not get rid of the words "consistent with the structure, policy and purpose of the Act."

Q.—That is why I have introduced (c) by major amendments in the Act. Perhaps you did not quite understand me. Are not all conceivable remedies divisible into three, (a) by exercise of rule-making powers within the Act, (b) by minor amendments in the Act and (c) by major amendments in the Act ?

A.—If by major amendments in the Act you mean that you can recommend such amendments which would be even inconsistent with the structure, policy and purpose of the Act, we would be perfectly satisfied with the scope of enquiry.

Q.—My next question is this. Are not heads (a) and (b) according to you within the jurisdiction of this Committee ?

A.—Nobody doubts that.

Q.—The limitation even under head 2 is with regard to (*c*) ?

A.—Even with regard to (*c*), when you propose such amendments in the Act which may appear to be inconsistent with the structure, policy and purpose of the Act....

Q.—You cannot propose those amendments under head 2. But can we not say that we find such and such defects and difficulties (*a*) removable by exercise of the rule-making power, (*b*) removable by minor amendments of the Act, and we find further difficulties and defects, so and so, but these cannot be removed by the exercise of either of those two powers. Is it not open to us ?

A.—I hope it is open to the Committee to say so.

Mr. Kunzru.—Why didn't you say so plainly ? That would have removed the apprehension.

Q.—That is now your carefully considered interpretation. Are you still prepared to say that the scope of the inquiry is extremely narrow and restricted ?

Mr. Misra.—If the Committee is now going to consider or considers that its jurisdiction is so wide and if really the inquiry which it is going to institute is of such a wide character, I might be able to qualify the words relating to the narrowness of the enquiry and my Association might also qualify.

Q.—Let me invite your attention to what Sir Malcolm Hailey said even as regards (*c*). This is what he said in the Legislative Assembly. "But if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed." That is to say, as regards (*c*) under head 2, if we come to the conclusion that there are certain things which cannot be achieved without amendment of the constitution, then that question will remain an open one on which the Government has not committed itself one way or the other.

(Sir Tej Bahadur Sapru : The Government of India are not even now committed).

Mr. Kunzru.—That is our main grievance that the Government is not committed.

Mr. Misra.—If with regard to 2 (*c*) which you have suggested the Committee is going not only to inquire into them, but also to suggest remedies for removal of those defects, then in that case nothing more would be wanted. But that speech of Sir Malcolm Hailey which was made in the Legislative Assembly and the terms of this inquiry as they are, have given the Indian public and also my Association in particular the impression that this Committee would not go into that question of such major amendments as would be necessary for being introduced into the constitution of the Government of India Act which are inconsistent with the structure, policy and purpose of the Act.

Q.—On this point I think we have heard sufficiently from you.

A.—I suppose the position is clear.

Q.—Will you kindly turn to paragraph 18 of your statement ? This is what you say : "Without prejudice to its conviction that the situation requires much larger measures than can be introduced under the Act, the Association would suggest that all possible advance under the Act should

be effected". I presume you realise that for an amendment of the Act a complicated procedure is required, introduction of a Bill in the House of Commons ?

A.—I am fully aware of that.

Q.—Second reading and so on ?

A.—Yes.

Q.—And that so far as the exercise of rule-making power is concerned, that is a speedier machinery in so far as it can go ?

A.—Yes.

Q.—I suppose that is the reason why you advocate that in so far as action can be taken under the Act, it should be done by framing rules ?

A.—Yes.

Q.—Therefore, when a witness on behalf of your Association puts forward certain proposals, it is to our advantage that it should be brought on the record that such and such proposals can be carried out by means of the exercise of rule-making powers and such and such proposals would necessitate the amendment of the Act ?

A.—Most certainly.

Q.—Solely for that purpose, I wish to ask you a few questions with regard to the definite proposals that you have put forward in paragraph 23 of your Memorandum. Your first proposal in that paragraph can be realised by the exercise of the rule-making power ?

A.—Yes.

Q.—The second proposal requires partly the amendment of the Act and partly it can be realised by the rule-making power ?

A.—Yes.

Q.—The third proposal can also be realised by the exercise of the rule-making power ?

A.—Completely.

Q.—And, in fact, the Lee Commission has actually made a recommendation on that behalf.

(*Sir Tej Bahadur Sapru*).—I am sorry to say that that is not my reading of the Lee Commission's report and I would differ with the Hon'ble the Law Member.

Q.—The Lee Commission recommend that services should be provincialised and their control vested in the Ministers ?

A.—That is a very controversial question.

Q.—Then your fourth recommendation can also be realised by Rules ?

A.—I have a little difficulty about that. I do not know whether the restrictions as to previous sanction of the Governor-General for introducing legislation in the Provincial Legislature can be done away with altogether under the Rules. My impression is that there is a section in the Government of India Act which expressly states that the.....

(*Sir Tej Bahadur Sapru*).—It is, I think, permissible to differ even from the Hon'ble the Law Member of the Government of India.

(*Sir Muhammad Shafi*).—Any lawyer may have his own individual opinion.

Mr. Misra.—I wanted to refer to section 67 of the Government of India Act where it is stated in clause (9) that it shall not be lawful

any measure affecting the following things or any measure relating to the following things. For these measures, according to the statute, the previous sanction of the Governor General is necessary. The Government of India will always say that every measure must come to them in order to find out whether that particular measure is not a measure which comes under clause (2) of section 67.

Maharaja of Burdwan.—Q.—Will you kindly refer to paragraph 18 (VIII) of your Association's Memorandum ? Your Association would like the control of services to be more or less provincialised. Am I correct in saying so ?

A.—My Association would first of all like the control of the services to be placed in the hands of the provincial Governments. If, however, this is not possible, then my Association urges that the control over the services should be taken away from the hands of the Secretary of State and should be given to the Governor-General in Council.

Q.—In other words, your Association suggests that the control of those services, which are now under the Government of India, should, in future, become provincialised ?

A.—Yes.

Q.—Now please refer to paragraph 23 (III) where it is stated that " subject to paragraph 18 (VIII) of this memorandum, Governors in Council and Governors acting with Ministers, should have full control over the services serving under them ". When you give this control, I take it that your Association would not favour the tampering with the services ordinarily by the Legislative Council ? What I mean to say is that after the services were controlled by your provincial Government, your Association would favour the view that the services should feel some security and that the Legislative Council should not ordinarily interfere with them ?

A.—My Association would not like that these services should every moment be tampered with by the Legislative Council and they think that some security must be given to the services.

Q.—That being so and having regard to part VI of paragraph 23 where it is stated that the position of the Governor should be that of a constitutional Governor, would you also agree that the Legislative Council should not have any control over the Governor's salary or his sumptuary allowance and so forth ?

A.—That difficulty can be met with by passing an Act with regard to the Governor's salary.

Q.—It is at present non-voted ?

A.—Yes.

Q.—When you wish to place all your provincial services beyond the control of the Legislative Council don't you think that it is only legitimate to ask that all matters relating to the Governor's allowances and so forth should also be beyond the control of the Legislative Council ?

A.—The Governor's salary should certainly be beyond the control of the Legislative Council. The question of allowances is, however, a little different from the question of the salary. If the allowances are fixed permanently, it would be much better ; but my Association would not like the question of allowance to be put on the same level as the question of the salary. The question of allowances may come under the control of the

touched by the Legislative Council, I would certainly agree that the salary and the allowances of the Governor in Council should also not be touched by the Legislative Council.

Q.—As a general principle, don't you think it would give more contentment to your services if they knew for certainty that certain definite allowances, which appertain to their salary, will remain secure from the control of the Legislative Council?

A.—There are allowances and allowances. Certain allowances might be considered to be of a nature that they ought to go with the salary. There are, however, other allowances which ought not to go with the salary. I personally have always been of opinion that allowances should be abolished altogether and that they should be taken into consideration in fixing the salary of a particular post. These allowances always lead to difficulties. In any case if it is found that there are certain allowances which have to be treated on the same level as the salary itself and if it is found also that in order to make the services contented, their salaries have to be fixed and secured and certain allowances have also to be secured, then I would not have any objection to these allowances being treated on the same level as the salary itself. Once that position has been secured to the services, I would secure that position also to the Governor in Council.

Q.—I will give you a concrete instance. In the case of a service man you say that you would give him certain halting and travelling allowances. Then he submits his Bill for his halting and travelling allowances and so forth. His superior officer, of course, checks his bills. Don't you think that in a case of that kind, it will have a much better effect on your services generally if certain very well-defined allowances were fixed with their salaries?

A.—I have already given my answer to that question. I do not consider that these halting and travelling allowances are allowances of a character which should be permanently fixed. I consider that they are not of such an important nature. But there are certain other allowances which are given to the members of the Indian Civil Service which I consider ought to be treated just like their salaries.

Q.—Now take the case of the Governor. As you know, a Governor has got to get his salary and certain other allowances for the maintenance of his Government House and so forth. Don't you think that it would be best not to bring that question before the Legislative Council?

A.—It would certainly be better if that question were not brought within the purview of the Legislative Council. But I know that there was a feeling in my Council with regard to the sumptuary allowance when we were facing the provincial stringency. Many of us thought that the Governor himself ought to reduce it. Many of the members of the Council, I remember, were even going to the extent of proposing curtailments of the budget with regard to these items. Subsequently, however, they said that it was a better part of discretion not to interfere with such items and, therefore, they left the matter to the Governor himself. My own view is that if this question of allowance is once definitely considered, subsequent Legislative Councils will not ordinarily depart from taking action on it. After

Q.—Will you refer to paragraph 19? You say :—“ That dyarchy failed of the hopes formed of it is the general verdict. Several persons who have held the position of Ministers, have declared that it is impossible to administer transferred subjects without directly and effectively sharing in the control over the finances and other allied subjects.” Supposing dyarchy had to continue, would your Association advocate a separate purse?

A.—No.

Q.—I mean to meet this difficulty you have referred to, would your Association advocate a separate purse?

A.—No, the Association would not desire a separate purse. The question was considered by the Association when the Reforms Act was just coming into operation. The Association wanted that the Ministers should have a hand in the finances which were necessary for the development of the transferred subjects.

Q.—In what way?

A.—I may tell you. At the present moment the Finance Member allocates funds both to the reserved and the transferred departments. In my Council in the first budget, which was presented by Sir Ludovic Porte, he said he had dealt with both the reserved and the transferred subjects in a manner in which all the subjects were to be looked upon as transferred subjects and he had not created any distinction. We recognised that it was a very fair budget and that he had been very fair to the transferred subjects, and the Ministers were satisfied with the allotments which had been made to the transferred subjects, but after all the position was there, that the Finance Member, as long as he was a very fair-minded man and was careful about the transferred subjects.....

(*Mr. Chairman*).—*Q.*—What is the question? We must confine ourselves within reasonable limits

Maharaja of Burdwan.—I wanted to know whether the witness is in favour of a separate purse. Then he went on to say what the difficulties are between allocation for transferred and reserved subjects.

Mr. Misra.—I will curtail my answer and I will say that my Association is not in favour of a separate purse and would like one unit purse to continue, but would like that the Ministers should also have little control over the finances in order to get sufficient funds necessary for the administration of the transferred subjects.

(*Mr. Chairman*).—*Q.*—What kind of control?

Q.—Could you kindly give me an illustration as to what way the Minister suffered because he had not that control over the finances which you have in mind?

A.—He could not get that amount of money which would be necessary to push his schemes through. It would be in the hands of the Finance Member to allot that amount of money which he thought was necessary or which he considered that he could spare.

Q.—You have just now said that in the first Council the division was considered as fair by the Minister concerned. If it was considered fair, I do not quite follow when you say that the Ministers would like to have a little more control over the Finance Member.

A.—Practically for that one year it was so. It may be so for the coming years as well, but the risk was always there, that the Finan-

Member could allot funds to the transferred Departments not in accordance with the wishes of the Ministers.

(*Mr. Chairman*).—Q.—Are you on the question of allocation ? You know the rule, rule 31, which provides the manner of agreement between the two heads, between that part of the Government which is responsible for the administration of the transferred subjects and that part responsible for the administration of the reserved subjects ?

A.—Are you referring to rule 31 of the Devolution Rules ?

(*Mr. Chairman*).—Q.—Yes, and if there is a difficulty it has to be settled by the Government of India. There is no question of dealing with the allocation of funds or individual expenditure.

Q.—Will you kindly refer to paragraph 21 of your note, in which you say that if dyarchy cannot be worked, etc., the only system of Government which can replace the present is full responsible Government with Cabinet Ministers. I should like to know whether you consider your Province, after working the Reforms for three years, is now quite fit for what you or your Association understand as full responsible Government ?

A.—Completely, quite fit.

Q.—And you think that this cabinet system of Ministers, which means that the party in power, the Chief Whip of the party, would be called in by the Governor and he would be the Prime Minister and he would have a certain panel of Ministers who would form the Cabinet. Do you think in your Province at the present moment, supposing full responsible Government is introduced and you had racial questions of a nature which would require not only the maintenance of law and order, but that that maintenance of law and order would depend on the majority of the party in power, when communal questions came up how would you solve them ?

A.—Very easily. Supposing the Cabinet, which was in power, belonged to a party which was in the majority in the House and any communal question came up, the Cabinet, in order to carry on its administration, would have to rely upon its majority, and the members consisting of that party will not merely be only Hindus or Muhammadans or Christians, those members will be belonging to the particular party, and it would be impossible to hold together that party for one single moment if that Cabinet were not to take a fair view of the position of all the parties.

Q.—What I was asking is whether you do consider in your Province you have reached that stage that you would have a party which would be able to be above such racial or communal questions as to be able to deal with a situation of that kind, should it arise ?

A.—Quite, I could form a party tomorrow if I were put in power.

Q.—You think you would be able to maintain such a party ?

A.—Certainly.

Q.—I think in answer to one of the questions you said that at one time, or rather in the last Council you had a larger number of members of your party, but this time one of the reasons that a lesser number of your party has been returned is that the landholders party resented your attitude towards the tenancy Bill that was introduced. But you later on, I think, said that an *en tente* was possible between the Liberal Federation and the landholders. May I ask why you think so ?

A.—Any action with regard to one particular measure is not such as may amount to a permanent cleavage between the parties.

Q.—But you said for the very reason that the landholders were against you, you were unable to return to this particular Council a larger number than you did return ?

A.—The whole thing depends on the assurances we are now able to give to the landholders.

Q.—May I know to which party the two Ministers you have at the present moment in the United Provinces belong ?

A.—They belong to the landholders party, both of them.

Q.—Therefore it would not be necessary for them, so long as they have a majority, to have an *en tente* with you ?

A.—Should I give an answer ? They are very anxious to have that *en tente*.

Q.—Besides the landholders party, there is no other party in the Ministry ? It is only the landholders party that is now in power in the Ministry ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Before we go on, I should like to say that that it is not possible to examine the second witness along with the first. I think the convenient course would be that the second witness should make a note of anything he would like to amplify during the course of the examination of the principal witness, and at the end of that examination, he should mention it to me and we should then examine him on it. It is not possible to have two witnesses examined together individually. So perhaps you will make a note of any points you wish, Mr. Kunzru ?

Mr. Kunzru.—I only wanted to put a question to the Maharaja Sahib to clear up a point.

(*Sir Sivaswamy Aiyer*).—*Q.*—May we not put our questions to either witness ?

(*Sir Tej Bahadur Sapru*).—*Q.*—There are certain questions I would like to put to Mr. Kunzru and certain to Mr. Misra.

(*Mr. Chairman*).—*Q.*—Yes ; we must not examine them both together.

Sir Henry Moncrieff Smith, (to Mr. Misra).—*Q.*—It has been put to us in evidence that the grant of responsible Government is dependent on the creation of an intelligent electorate ; I take it that is not the view of your Association ?

A.—It is the view of my Association.

Q.—That self-government is dependent on an intelligent electorate ?

A.—Yes.

Q.—Is that reconcilable with paragraph 9 of your memorandum ? It seems to me there that you suggest that if responsibility is given, political education will follow ?

A.—What my Association feels is that, although the political education of the electorate may not have reached that ideal standard which one would like, but the standard necessary for the exercise of the responsibility was

already there, sufficient to that extent, but not to the ideal extent, which will be attained after a short time. The ideal can only be reached with the exercise of the power after it has been granted.

Q.—Can you explain to the Committee what exactly is meant by what is said in the memorandum at the end of paragraph 9, that the education of the electorate will advance so slowly that if you are going to justify any constitutional advance on that ground, there will be advance even in 1929?

A.—The view of my Association is that if the complete education of the electorates is made a *sine qua non* for a further advance, probably in 1929 the same objection could be raised which is being raised now, because in about five years' time that ideal state of the education of the electorate will not be reached; but my Association says that the state of intelligence and education of the electorate at the present moment is sufficiently high to justify giving them responsibility.

Q.—Your Association advocates an extension of the electorate?

A.—Yes, it does.

Q.—Is there any popular demand for an extension of the electorate in your province?

A.—I may tell you exactly as to what the position is. Some people think that there ought to be no widening of the franchise and no extension of the electorate at all because they consider that the electorate is wide, as it is at the present moment, is a sufficient nuisance. That is the position they take and they say it entails upon them great difficulty to go round and canvas people. That is one opinion; but the opinion of the majority is that when they go round and canvas and educate the electorate and work they are doing can easily be done with regard to the other people who are not at the present moment enfranchised.

(*Mr. Chairman*).—*Q.*—When you speak of the electorate as a nuisance, you mean the members regard them as a nuisance?

A.—Certainly, or rather I should say, the intending members regard them as such, not the members.

Q.—Well then, in so far as there is a popular demand for an extension of the franchise, does that demand come from those persons who are at present just outside the franchise?

A.—From the tenantry. I have gone into the villages myself and the tenants would assemble round me and question why they shouldn't get the franchise. That is the position. They naturally want the vote.

Q.—You think they value the vote?

A.—Yes.

Q.—They do not regard it as a nuisance?

A.—No.

Q.—Among your suggestions at the end of the memorandum, your Association says that provincial subjects should not ordinarily be subject to legislation by the central Legislature. Did your Association thereby mean to imply that provincial subjects at present are ordinarily subject to legislation by the Indian legislature?

A.—What my Association feels is that at the present moment the central legislature can also legislate for provincial subjects. Of course ordinarily it does not. Under the Reforms constitution it leaves it principally to the Local Government to introduce a local measure into its own council, but at present there is nothing to prevent the central legislature framing any law or passing any law regarding a provincial subject. What

my Association means is that ordinary and until special reasons are shown, the central legislature should have nothing to do with provincial subjects.

Q.—You are stating it too widely when you say there is no restriction on the powers of the central legislature to legislate on provincial subjects. The point is that in certain cases they cannot legislate—without the previous sanction of the Governor-General. If you look at section 67 (2) (i)—the section you quoted yourself—it reads “cannot introduce any measure affecting or regulating a provincial subject or any part of a provincial subject which has not been declared by rule”. You realise that just as there is a restriction on the local council as to the scope of its legislation, there is equally a restriction on the central legislature with regard to the scope of its legislation?

A.—That statement of mine ought to be qualified. I did not mean to say there should be no restriction.

Q.—Now the fourth recommendation in that same paragraph is that the restrictions as to the previous sanction of the Governor-General for introducing legislation in the provincial legislature should be done away with. Do you mean, entirely done away with?

A.—No, of course certain restrictions have to remain. We cannot do without them. We cannot make the provincial legislature entirely autonomous.

Q.—Could you give us any indication of where you would relax the present restrictions?

A.—Well, with regard to that at the present moment this difficult situation exists that every Act has to be submitted to the Government of India for the previous sanction of the Government of India before its introduction.

Q.—Excuse me interrupting, but you say every Act—do you mean an Act passed or are you referring to a Bill?

A.—Sorry, I was using an incorrect expression, I mean every Bill has to be referred to the Government of India?

Q.—Is that correct?

A.—So far as I am aware, it is correct. Every Bill that was introduced in the local council, so far as I am aware, had to be sent up to the Government of India.

Q.—Well, will you take it from me that it is only in the case of a Bill which is of such a nature that it requires the sanction of the Governor-General? But if a Bill does not require the sanction of the Governor-General under section 80 (A), if previous sanction is not necessary—then you do not suggest that it has to be sent up?

A.—No, then certainly not.

Q.—I am afraid I did not quite gather from your answer as to what restrictions you would relax—what restrictions on the powers of the local legislature. That was my main question. You say you do not intend the previous sanction of the Governor-General should be done away with entirely?

A.—No, my answer is this. At the present moment what is felt is that until a Bill is sent to the Central Government and the Central Government really sees that it does not offend against any of the restrictions which are laid down in section 67 (2), it cannot be introduced into the local council, because after all it is the central legislature which has to decide

whether it offends against any of the restrictions laid down in section 67 (2) or not.

Q.—Excuse me, it is not the central legislature ; as a matter of fact, it is the Governor-General. If you look up the Devolution Rules, you will see it is the Governor-General who has to decide.

A.—Yes, but as a layman, I think it is the Government of India which does the whole thing, for the Governor-General, the Governor-General himself, I suppose, does not deal with these matters directly. I have no knowledge with regard to the actual procedure followed in this matter, but whether it is the Governor-General himself who personally looks into all these things, or it is the department of the Government of India that looks into these things.....

Q.—It is the Governor-General himself who passes orders in every case.

A.—It may be that he passes orders, but it must pass through a particular channel ; it does not go direct to the Governor-General. I suppose it goes to the Governor-General through the Secretary or through the Law Member, even though the ultimate orders may be passed by the Governor-General.

Q.—You suggested just now that every Bill had to come up because it had to be decided here whether the previous sanction of the Governor-General is necessary or not. I put it to you that that is not a correct apprehension of the situation. It is the local Government that decides whether sanction is necessary or not, and if they decide a Bill does not require sanction and if they have no doubts, the Bill never comes up here.

A.—If that is so, I have got nothing more to say. If the Local Government decides that a particular Bill has to be sent to the Governor-General for sanction, which is necessary under the rules, that Bill must come up. My Association does not say that such a Bill should not come up to the Governor-General at all. In that case my Association has nothing to complain of.

Q.—If I assure you that that opinion is based on a misapprehension, then you are prepared to modify it ?

A.—Yes, if there is a misapprehension.

Q.—That means you do not desire any alteration in section 80A of the Government of India Act with regard to the previous sanction of the Governor-General [sub-section (3)] ?

A.—Well, ordinarily I would not abolish section 80A. I would maintain the restrictions mentioned there, except with regard to clause (f). I have nothing to say with regard to clauses (a), (b), (c), (d) and (e); but with regard to (f), it is stated regarding any provincial subject which has been declared to be either in whole or in part subject to legislation by the Indian Legislature in respect of any matter to which such declaration applies, etc. That, of course, is a matter of rules and that may be restricted or widened.

Q.—Your suggestion is that there should be fewer provincial subjects which should be subject to legislation by the Indian Legislature, so that the application of the Act would not be so frequent ?

A.—That is so.

Q.—If you glance again at item (4) of paragraph 23, do you wish to qualify the recommendation there that the restrictions as to previous sanction of the Governor-General should be done away with ?

A.—In the light of what I have just now stated, this may be modified to that extent ; because what the Association generally felt was that every Bill had to come up to the Government of India for sanction.

Q..—Item (7) of that paragraph—rules under section 49 ; you say you have not been a Minister and I presume you have not seen rules framed under section 49 of the Act.

A..—Once a question was put by my colleague here in the local Council that these rules should be placed on the table of the Council, but the Local Government refused, so we are not aware what those rules are

Q..—This is just a suggestion thrown out that in case the rules do not conform to the provisions of the Act, and to the report of the Joint Committee they should be amended ?

A.—May I say the general impression is that those rules do not contain as a matter of rule any provision with regard to those matters which are put only as a recommendation in the report of the Joint Committee and what my Association feels is that the things recommended by the Joint Committee should be embodied in the rules.

(*Mr. Chairman*).—If they are not already there. That is a matter of which you are not aware.

Mr. Kunzru.—With regard to the necessity for referring measures to the Government of India, we are not aware as to how far it is obligatory on the Local Government to refer Bills to the Government of India, but we know that our Secondary Education Bill and the Allahabad University Bill had to be referred to the Government of India, and under the rules made under section 81(A), it is necessary that any Bill regulating the constitution or the functions of the University should be reserved for the assent of the Governor-General. In this case it had also to be previously referred to him. Now, that is one of the things which my Association would like to have done away with. I mean, if we pass a law relating to the Allahabad or Lucknow University, it ought not to be necessary for us to refer such a Bill to the Governor-General, nor for the Government of India to reserve the Bill for the assent of the Viceroy. Of course, every Bill would have to be assented to by the Viceroy constitutionally, but it ought not to be necessary particularly to reserve such Bills for his sanction.

Q..—You are referring to the reservation of Bills Rules ?

A..—Yes, under section 81A.

Q..—If you read those Rules, you will find that previous sanction does away with the necessity for reservation. It is only where previous sanction has not been obtained that reservation is necessary.

A..—That is so. Of course, previous sanction was obtained in the case of the Allahabad University Bill, but in the case of a Bill dealing with a purely local University, it does not seem clear to my Association why it should have been necessary to refer it for the previous sanction of the Governor-General.

Q..—In fact, your Association has suggested an amendment of the Rule.

A.—To that extent it certainly has. Then again, when the Allahabad University Bill was under discussion, it was understood that the Government of India had not merely suggested certain changes, but were contemplating insistence of certain provisions in it. For instance, on a provision relating to the number of Professors that should be brought out from England—I do not think the Minister used any language which could convey that impression—that was certainly in the atmosphere there—I am not sure that such language was not used in the debate.

Q.—Your complaint, I understand, is that the Government of India in the Administrative Department interfered unnecessarily in the details of the Bill?

A.—Yes. It was not merely formal sanction of the Governor-General, but it appeared to be a rather meticulous control after a careful scrutiny of the Bill by the Department concerned.

Sir Sivaswamy Aiyar.—Q.—With regard to the connection between a trained electorate and responsible Government, do you consider it correct to hold that there should be a perfectly trained electorate before responsible Government is granted?

Mr. Kunzru—I do not hold that view either in theory or in practice.

Q.—As a matter of fact, before dyarchy or a semi-responsible Government was introduced, had the electorate been trained in responsibility?

A.—Not certainly so far as the Provincial or the Central Governments were concerned, though they had been in municipal elections.

Q.—But though the electorate had had no training in responsibility in provincial affairs, still it was considered proper to introduce dyarchy. Would it be very improper or inexpedient to introduce full responsible Government in the provinces after thus experience of three years?

A.—I do not think it will be improper at all.

Q.—Is it indispensable that there should be a trained electorate before you introduce further responsibility?

A.—As I have already said, I do not hold that view. In England itself, as the Chairman has pointed out, the franchise had been exercised by the electorates of Great Britain for nearly 300 years before the Reform Act was passed. We are not concerned with the period but the stage which the people had reached in 1832.

Q.—Are not training in responsibility and opportunities for such training by grant of responsibility really interdependent?

A.—Undoubtedly. Besides, to train the electorate would be much easier when complete responsibility is attained than it is now.

Q.—Will you kindly explain it?

A.—We can have fully developed party system only when there are divergences of opinion about domestic matters. But so long as every patriotic Indian thinks, and every patriotic elector who has the power to vote for a candidate thinks, that the work of his representative is to be judged not merely by what he does in the transferred field, but by the control which he exercises over subjects that are known as reserved and that intimately touch him, I am afraid there can be no party system. Besides, it is very difficult to bring home to the voters that there are two sets of subjects, transferred and reserved. If anybody were to go to a

village and address a public meeting, he would find out the difficulty for himself.

(*Mr. Chairman*).—Q.—It has not really been understood by the electorate?

A.—They find it very confusing.

(*Mr. Chairman*).—Q.—It has not been understood by them?

A.—That is so. It is not clearly understood. Then again, take for instance Law and Order. When we tell them that the Ministers are not responsible for it and that it is a reserved subject, they look blank. They do not understand these things. They hear claims made of Indians having got a certain amount of power and the inconsistency between that claim and their power to take action in departments which vitally concern them, they don't understand.

Q.—They consider the Minister responsible for all the acts of the Government?

A.—Yes, that is undoubtedly so. Many questions were asked as regards the reasons why the Liberals failed at the last election. One reason was that the Ministers, and through the Ministers the entire Liberal Party, were saddled with the responsibility for actions that were solely the concern of the Governor in Council.

Mr. Misra.—May I just, from my experience, add only one sentence. The villager puts the question directly whether it is in his power to effect a particular change in a particular subject, and the moment the answer is given that it is not in his power, then he loses all interest. They ask, "Is it within your power, if I send you to the Council, to do this or that?" The moment you say that it is not within your power, they ask, "Why have you come to me?" That is how the villager puts it.

Mr. Kunzru.—My third and last point is that it is really administrative departments that touch the common man at every point in his life; take, for instance, a villager. He will make you definite complaints regarding the Police and Honorary Magistrates. If you can tell him that you can take action in these departments, then he understands that you have got power. But if you tell him that it belongs to "Law and Order" and that it is a reserved subject, he wants to know what power you have got and what is "Law and Order". He does not understand what is "Law and Order". But he understands the Police Department and understands what the Honorary Magistrates do and what power they have.

Q.—Do you think it is possible now to successfully form parties without full responsibility?

A.—At present? I have repeatedly expressed the opinion that it is not possible to have the party system unless....

Q.—What is the main issue which is present in the minds of Members of the Legislative Council and the electorate now? What is the main issue upon which the attention of Members of the Legislative Council is now concentrated?

A.—At present? Mostly fighting the Government in the Reserved Department.

Q.—Is there any difference of opinion between any members of any party upon that subject?

number of Legislative Councillors—those who are backward in politics. I say so without meaning any offence to anybody.

Mr. Misra.—I may add one sentence from my experience. When a party is at present formed in the Council, either for the purpose of supporting or opposing a Minister, the difficulty arises in making that party take a different line of action with regard to the Government. If we say, “The party is there, it must follow a particular line of action with regard to the Ministers, that is to say, oppose the Ministers”, then they say they must oppose the Reserved Subjects also. If a party says that its general policy ought to be that the Minister ought to be supported, then the party says, “We will support the Ministers and oppose the Executive Government”. The actual difficulty arises in managing a party in such a way that it may support the Minister when it is proper to do so and oppose the Executive Government when it is necessary to do so. That is really the difficulty which comes in when we have to organise a party. They say, “Either oppose them all or support them all”.

Q.—Is it practicable at all to make a very clear differentiation between the functions and responsibility of the two halves of the Government?

Mr. Kunzru.—Personally I can think of no device by which such a thing can be done.

Mr. Misra.—They all overlap each other.

Q.—There is one question asked by my colleague with regard to allowances. Allowances are of a varying nature. There are house allowances, travelling allowances and various other allowances.

Mr. Kunzru.—Yes.

Q.—The character of these allowances and the amount to be paid with regard to these allowances may vary from time to time?

A.—Yes.

Q.—For instance, in the case of house allowances, houses may be available at one time and they may not be available at another time and so on?

Mr. Misra.—Even the travelling and halting allowances are liable to change from time to time. Only recently the United Provinces Council made a change in the travelling allowances.

Q.—Having regard to that, would it be expedient to fix the allowances for all time to come and to render them non-votable?

A.—I have, therefore, said that there are allowances and allowances and distinction has to be made between different sorts of allowances.

Mr. Kunzru.—May I just give you an instance with regard to allowances which can be done away with? In the United Provinces Legislative Council repeatedly has the question cropped up of an allowance of Rs. 10 a day given to the Chief Secretary while he is at Lucknow. No other Member received this allowance except three, the Chief Secretary to the Government of the United Provinces, and possibly the two Secretaries to Government in the Public Works Department. The Legislative Council has repeatedly protested against this allowance when for all practical purposes Lucknow is the winter headquarters of the United Provinces.

Q.—You have no objection to giving fixity with regard to the salaries and making them payable out of a consolidated fund, so that it may not be subject to the annual vote of the Council ?

A—I should have no serious objection. Only I would point out that we did not tamper with the salaries of other than all-India Services and there is no reason why we should be hard on any particular Service, or on any individual belonging to that Service.

Q.—You have no objection to giving fixity to the salaries and dispensing with the necessity for coming every year before the Council for grants with regard to salaries ?

A.—So long as the control of the Council was not absolutely taken away by legislation or anything of the kind, I would not mind doing anything which would remove, in my opinion, the unjustifiable apprehensions of the members of any Service regarding their future emoluments. We want to make them perfectly secure.

Q.—But do you think that there would be any attempt to cut down their salaries if there is no provision for security ?

A—Personally, I think that when the departments have been transferred, you will not find a single member of the Legislative Council getting up and saying that the salaries of the existing members should be cut down. Such a thing I regard as quite impossible.

Q.—There will be less hostility to the Services after the introduction of full responsibility ?

A—I do not think that there is any hostility. There is certainly criticism and severe criticism of the Services in certain respects, but the moment the Council realises that it is master I dare say its attitude will change, and it will not be one of severe treatment.

Q.—You think the relations would improve ?

A.—Yes, I have no doubt.

Mr. Misra.—I would like to add to this.

Mr. Kunzru.—The present opposition is due to the fear that the Services

(*Mr. Chairman*).—*Q.*—You are getting beyond the question.

Mr. Kunzru.—I was only trying to explain as to why there has been opposition.

Mr. Misra—May I be allowed to add to this ? Once the Council secures the Services with regard to the salaries which it considers proper and reasonable—once that they have been secured and the matter has come under the scrutiny of the Legislature, then the Legislature would not like to interfere any further.

Q.—What I would like to know is whether the existing scales of salaries are likely to be cut down by the Legislature and the present members of the services are likely to be injured ?

Mr. Kunzru.—The scale may be cut down for future entrants, and there is no guarantee so far as that is concerned. The salaries of the present members will never be interfered with.

Q.—In paragraph 6 of your memorandum you say that the growing feeling of struggle is productive of suspicion and mistrust about the motives of the people on the part of the Government and those of the Government

Mr. Kunzru.—Between people and Government so far as the administration of reserved subjects is concerned.

Q.—Yes, and do you think that there is any mistrust about the motives of the Government ?

A.—There is certainly a great deal of suspicion.

Q.—Is it in your opinion justified ?

A.—When I was a member of the United Provinces Council, I certainly felt serious doubts about action taken by the Police or by the heads of districts, and sometimes I have also placed my views before the Council.

Q.—You think there is distrust and justifiable distrust ?

A.—Well, I do think in many cases it is justifiable.

(*Mr. Chairman.*)—*Q.*—In the opinion of your Association ? Are you authorised to say that ?

A.—Undoubtedly it is. My Association shares that view.

Q.—Can you give the causes of distrust ?

A.—You take me rather far afield.

Q.—With regard to the untouchables in your province, what is the attitude of the educated classes towards them ? Is that one of sympathy and desire to uplift, or is that one of antagonism or indifference ?

A.—It is one of sympathy and growing sympathy. Besides, the problem has neither been acute—so acute in the United Provinces as for instance in Madras or Bombay.

Q.—In your experience is there any instance of any action in the Legislature, administrative or legislative against the interests of the untouchable classes ?

A.—We have taken no action against the interests of the untouchables.

Q.—Apart from such negative conduct has there been any attempt on the part of the Legislative Council to do anything for uplift—for the education or other uplift of the untouchables ?

A.—I am not sure of the sum voted this year. But the Legislative Council every year used to set apart a certain sum for the education of the depressed classes. In the District Boards Bill we introduced a provision compelling the Government to nominate one member of the depressed classes to a district board where the depressed classes have not been able to get themselves elected to that Board. Thirdly, perhaps that does not come within the action taken by the Legislature. I was going to say that there was a member of the depressed classes in our Council and we approached him just in the same way as we approached every other member of the Council.

Q.—So far as you know, has more been done during the post-reform period or during the pre-reform period for the uplift of the depressed classes by the Council and the Government ?

A.—I think as the sympathy is growing, naturally a time comes when more and more measures are taken for the uplift of the depressed classes.

Q.—Has Government done more for the depressed classes since the reforms or before the reforms ?

A.—I can think of no measure passed before the Reforms with special

Mr Misra—May I add a little at this stage ? With regard to the attitude not only of the educated people but of the uneducated people in the United Provinces towards the depressed classes, I must say that their attitude has never been a hostile one. Even with regard to the temples which are situated in Ajodhya, Benares and Muttra, where I have personally been a number of times on religious visits, I have never found any people of the depressed classes being excluded from visiting those temples. They have gone along with the rest of the *mela* as it is called, or with the rest of the crowd. With regard to the educated people, their attitude has been always one of growing sympathy.

Q—Are you in favour of more subjects being transferred to the transferred half ?

Mr Kunzru—I am in favour of complete provincial responsible Government.

Q—Do you think that if a subject like Forests were transferred to the Ministers, it would suffer in administration ?

A.—Not in the least. I think, the Chief Conservator of the Government of the United Provinces, if a representative of the Finance Department of the United Provinces Government were to appear here, he would bear me out that the criticism of the Legislative Council in this particular department is most helpful. The expenditure has been reduced, and yet productive expenditure has not been cut down. The grievances of the people have been redressed and *kuli-vtar*, a sort of forced labour in the hills, has been abolished.

Q.—Do you think that there has been any tendency to encourage denudation of forests and disafforestation ?

A.—None whatsoever. I cannot conceive of any Minister allowing such a thing.

Q—What do you think would be the attitude of the Council towards a subject like irrigation and land revenue ?

A.—So far as irrigation is concerned, we have frequently tried to impress on Government the need for giving adequate water to the cultivators, and there is no action taken by the last Council in regard to irrigation that showed that it would be unmindful of the interests of the cultivators.

Q.—But would it be equally mindful of the interests of public revenue ?

A.—Do you ask whether irrigation rates would be raised when necessary ? Yes, when absolutely necessary, they would certainly be raised. But nobody can give a guarantee that it would be raised to the extent to which the Government of the United Provinces raised them at one stroke, by 22.75 lakhs.

Q—There may be legitimate differences of opinion on the point, but there would be no tendency to cut down the public revenues ? You do not expect any serious tendency to cut down public revenues derived from irrigation and land revenue ?

A.—Assuredly not.

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Q.—What has been the attitude of the Councils and the educated people towards the Universities ? Has there been any attempt to lower the standards of University education ?

A.—Not so far as I know. In fact, we tried to spend more and more money in order to raise the standard of University education. That is at the bottom of the new University legislation.

Q.—Is it a fact that there is a competition for students among universities and that they wish to attract students by lowering the standards ?

A.—It is much too vague a statement. If anybody were to come forward with definite statements of fact I think I would be able to give effective replies.

Q.—You do not think that there has been any lowering of standards ?

A.—Assuredly not.

Mr. Misra—I should like to add here Being a member of the Executive Council of the Lucknow University which was established only in the year 1920, I may be allowed to say that there has been no attempt whatsoever on the part of the Lucknow University—rather the attempt has always been to see that our degrees may receive a fair recognition at the hands of the Government and at the hands of the public. So, if anybody says that there has been an attempt on the part of the newly created University to lower the degrees and thereby to attract students, it is an entirely unfounded charge.

Mr Kunzru.—As a member of the Executive Council of the Allahabad University, I may say that the outside colleges have been protesting against the undue haste with which they think we are raising the standards of University education—the outside colleges, that is, colleges that are not in Allahabad.

Q.—With regard to the allocation of revenues between the reserved and transferred departments, has there been any friction so far as you are aware ? Or have the transferred departments got all that they wanted ?

Mr Kunzru.—There has certainly been a certain amount of dissatisfaction, but if you want information in detail, I think you may be able to get it from the Minister in charge.

Q.—Are you in a position to state whether the reserved departments have fared badly under the arrangements of financial distribution ?

A.—I do not think so, because we have at times tried to cut down grants for certain reserved departments. We should not have done that if we thought they had got less than what they wanted.

Q.—That attempt to cut down—was that a justifiable attempt ?

A.—Yes, we, in certain circumstances, did cut down expenditure.

Q.—Did you cut down the expenditure to limits which were not justifiable ?

Mr. Misra.—We never touched or tried to cut down the expenditure on the reserved subjects because they were reserved subjects.

Q.—Has primary education really made any advance under the Reforms scheme ?

Mr Kunzru.—In 1923, 12 or 13 cities had applied for permission to make primary education compulsory. I am not sure of the number, but I think it was about that.

Q.—But I understand that the increase of attendance is more or less nominal. Is that so ? Do you know anything about it ?

A.—I do not know. But undoubtedly a great deal of expenditure was incurred in increasing the salaries of teachers and so on

* *Mr. Misra.*—Local bodies themselves realised that they were not in possession of sufficient funds and, therefore, they experienced difficulty in making education compulsory.

Q.—I understand that Rs 40 lakhs was devoted to primary education in one year ?

Mr. Misra.—It was not on compulsory education ; it was on primary education.

Mr Kunzru.—The salaries of teachers absorbed a large part of the amount.

Q.—Has Municipal administration deteriorated in the United Provinces under the Reforms ?

Mr Kunzru.—I should not think so I think the complaints are much the same as they used to be in previous years

Q.—Are you sure that there has been no deterioration in Municipal administration ?

A.—Not in Municipal administration as a whole. I know of certain cities against which there have been loud complaints.

Q.—Benares ?

A.—I would not name the cities and perhaps justifiably. There was never a time when there was no complaint against some city or other ; and the Benares complaint is a long-standing one. It is due to things which occurred before 1921.

Q.—Do you think that it is possible to continue the present system without introducing responsibility ? What is your experience ?

A.—It is possible to continue, but not without friction and endless friction.

Q.—And the friction will increase ?

A.—Yes.

Sir Arthur Froom.—*Q.*—Pandit Gokaran Nath Misra, I think you told the Committee that your Association numbers 400 to 500. Are they all educated class of members ?

A.—Almost all of them are educated.

Q.—Have they a vote ?

A.—Every one of them

Q.—What is the total number of electorate of the United Provinces ?

A.—15,09,127 ; roughly a little over 15 lakhs.

Q.—And out of that electorate your membership totals 500 ?

A.—It is so.

Q.—And so if you put 15 members into your Legislative Council, you would do very well ?

A.—Yes.

Q.—Who wrote this Memorandum ?

A.—This was written by two members of our Association. It is not necessary that I should name them.

Q.—No.

A.—It was written originally by two members of the Association ; then it was placed before the general meeting of the Association and it was then passed and submitted

Q.—I want to know whether a small committee of two drew up this Memorandum and then it was put before the committee with the knowledge of all members of your Association.

A.—Yes, one of the members who drew up the Memorandum had experience of the Legislative Council of the pre-reform days.

Q.—I said that your Association formed a small committee of two to draw up this memorandum. Having drawn it up, it was approved by all the members of the Association. Did you two gentlemen attend the meeting of the Association ?

Mr. Kunzru.—I was not present at the meeting at which this was accepted by the Association.

Q.—Did you approve of it ?

A.—Yes. I approve of it. I mean the general lines.

Q.—I think that your Association is in favour of full provincial autonomy ?

Mr. Misra.—Yes.

Q.—I think you stated that in your opinion the United Provinces was ripe at the present time for full provincial autonomy ?

A.—I said so.

Q.—May I take you to paragraph 4 of your memorandum ? You say "Before the passing of the Government of India Act of 1919, India had had some experience of self-governing institutions". What self-governing institutions do you refer to ?

Mr. Misra.—Local boards, district boards, and also to some extent the local Legislative Council.

Q.—The old Legislative Council ?

A.—Yes, I mean the pre-reform days.

Q.—And Municipal Boards have now very extensive powers under the Act of 1916 ?

A.—Yes.

Q.—Have Municipalities improved under the revised Municipal Act ? Do you consider they have made much headway ? I do not want to be critical. You may give your opinion in a very few words.

A.—They have made progress in many Municipalities. In some Municipalities owing to want of funds they have not been able to make much progress.

Q.—I read a statement the other day that Municipalities had been extraordinarily extravagant and had squandered money ?

A.—Some of them have.

Q.—So Municipalities have not necessarily improved by having autonomy ?

A.—On the whole they have.

Q.—In paragraph 8, your Association very fairly refers to certain objections against self-government for India and one of them you point to is the Hindu-Mussalman disputes. Have you any particular views as to communal representation ? Are you in favour of it or against it ?

A—I am in favour of a general electorate allotting seats to Muhammadans, but as the Muhammadans in the United Provinces would not accept the general electorates and would insist on separate electorates, therefore, we in the United Provinces are quite ready to accede to the Muhammadans their separate electorates and we do not want the separate electorates to be touched. Only in the Municipalities they were given separate electorates in the Act of 1916 during Sir James Meston's time. In the new District Boards Act, which was passed in 1922, we have given them separate electorates also.

Q—I am referring to the Legislative Council and therefore please confine yourself to the Legislative Council. You then are in favour of communal representation? I mean your Association?

A.—We do not want in any way to do away with it

Q.—In the same paragraph you say with regret that there are differences between the Hindu and the Mussalman communities but you hope they would be removed as years go on. But do you think that if self-government were given now to the United Provinces, then these differences would disappear, or would they increase?

A.—My position is.....

Q.—Can't you give your opinion in two words?

A.—I am only framing a sentence in order to embody my opinion. That is all that I am doing. I have not got ready-made answers.

Q.—Please go on.

A.—The disputes would undoubtedly exist for sometime. They would not increase, they would decrease. But the more the people of the two communities are brought together and they realise that the administration of their affairs is entirely in their hands, I think after a time the differences would disappear.

Q.—And you do not think that if there is power to be secured, there would not be increased struggle for it between the two communities?

A.—There would be struggle for getting that power. I cannot deny that. But I think after a time things would adjust themselves.

Q.—In paragraph 9, Pandit Sahib, you refer to the education of the people. You say that rapid political education of the people will only come with a larger transference of power and you recommend that the transference of power should be given and the education of the people will come?

A.—That is so.

Q.—That is the view of your Association?

A.—Yes.

Q.—Don't you think it is putting the cart before the horse?

A.—They are interdependent. You cannot separate one from the other.

Q.—You suggest that political education of the people will follow the transference of power or rather you recommend that transference of power should come and that will help education of the people. My question was won't you consider it putting the cart before the horse?

A.—I have already answered that the two things are interdependent. If you consider that power should only be given when the electorates are

But if you will give them, situated as they are, the power and the responsibility, then education will follow as a matter of course, and after a time you will find that they are as sufficient educated as they ought to be.

Q.—Political education of the people or say of the electorate will be acquired possibly from mistakes of the members of the legislative council ?

A.—Certainly that would be one of the elements too.

Q.—In paragraph 10, your Association states that it is possible to multiply arguments against further constitutional advance, but you do not advise India to wait till 1929 ?

A.—No.

Q.—You admit there might be some objections, but you do not think that the objections are such that you should wait till 1929 ?

A.—Quite so.

Q.—In the opinion of your Association, are the objections which existed in 1919 and 1920 less in 1924 ?

A.—Yes.

Q.—Under the present system ?

A.—Yes.

Q.—You do not think that they might conceivably become very much less in 1929 if the existing system is continued ?

A.—I doubt very much.

Q.—Your opinion is that you have come to the parting of the ways and there will be no further improvement ?

A.—Yes, no further improvement now is possible.

Q.—Your Association says in paragraph 14 : “ The Association w therefore, separate the civil administration from the military and p and foreign departments and would make the Government of India w responsible to the legislature in respect of the former.” Would you le to the Governor-General the power of veto ?

A.—Yes, certainly

Q.—Then if the Government of India were defeated on any particular civil administrative act, will they have to resign ?

A.—Yes ; they will have to resign.

Q.—Now I come to part IV of paragraph 18 of your Association's Memorandum. It is stated there that even in the initial stages of the attempt to progress towards responsible government, it is not desirable that the members of the permanent services should have any controlling voice in the shaping of Indian policy. Am I to understand from it that Indian politicians in your province do not wish in any way to avail of the extraordinary capable experiences of the permanent Service ?

A.—The people of my Province fully wish to avail themselves of the experience of the class of that able body of Service known as Civilians. But they only wish to bring out that the predominant or determining voice should rest with the representatives of the people.

Q.—But here you say that you do not want them at all ?

A.—We have only stated “ controlling voice ”.

Q.—Then you do not want them to be numerically superior ?

A.—With regard to that, opinions differ. Some of the members of the Association feel that there is no necessity now for the officials to be in the local Council. Some of the members feel that there is necessity for a limited number of them to remain in the Council. All, however, favour the view that they should not have the power to vote.

Q.—Then they will go there as mere ornaments ?

A.—My Association would certainly not take up that attitude. They will be in the Council to enlighten the members of the various details of administration.

Q.—Then you will have the official members who will be able to make speeches but will not have the right to vote ?

A.—Yes.

Sir Tej Bahadur Sapru.—*Q*.—That is what the Members of the Governor-General's Council do.

Q.—Now, please refer to part VII of paragraph 18. There you say that “In the opinion of this Association there does not seem to be any good reason why any item of expenditure should be excluded from discussion or so many items from voting by the Legislative Assembly”. Then you go on to qualify it by saying, “Should the Assembly at any time so treat any part of the budget as really to weaken the efficiency of the army or imperil the safety of the country, there would be every justification for the exercise of the power of certification by the Governor-General”. So your idea is that army expenditure should become votable ?

A.—Yes. The idea of my Association, which has not been clearly put, is that there ought to be a certain sum, say, 50 crores of rupees, which should ordinarily be considered as sufficient for the management of the Army. Any item beyond that sum should be votable.

Q.—How have you arrived at 50 crores ?

A.—We have taken that figure from Lord Inchcape's report.

Q.—You do not take the opinion of the Commander-in-Chief ?

A.—The Commander-in-Chief, after all, is the head of the Army and his opinion would not be disinterested.

Q.—Would you like to leave the army alone ?

A.—Certainly ; but we want that its expenditure should come up for discussion and should be votable beyond a particular limit.

Q.—Suppose you have fixed it at 50 crores. The Commander-in-Chief says that he wants 5 crores more. This amount comes up before the Assembly for its vote and it throws it out. The Governor-General is convinced of the Commander-in-Chief's just demands and he certifies it. Do you think that is a better arrangement than having no vote at all ?

A.—I think that is a better arrangement because the Viceroy will think twice before certifying it when the Legislative Assembly has given its adverse vote.

Q.—Now I will refer to paragraph 19. You say there “From what the Association has been able to gather, there is no active co-operation between the two halves of the Government”. That does not condemn dyarchy, does it ? That is the fault of the Ministers who worked it ?

A.—The Ministers cannot be held responsible for this want of co-operation.

Q.—You say that there has been no active co-operation. The fact that there has not been active co-operation is not the fault of dyarchy ?

A.—Dyarchy itself was not considered from the very beginning when it was introduced to be an ideal thing. It was only meant to be for a transitional stage.

Q.—Then I come back to my first question. Your Association recommends full provincial autonomy as soon as possible ?

A.—It does.

Q.—Would you recommend that for all the provinces in India ?

A.—I would not try to vouchsafe my opinion for all the provinces. I am only concerned with my own province.

Q.—Your province may be better than any other ?

A.—It is for the Committee to consider and the Government of India to decide.

Q.—At any rate your principle is that those provinces which are sufficiently advanced should have provincial autonomy ?

* A.—Yes. My personal opinion is that all the provinces are sufficiently advanced.

Q.—They can make their own laws and levy taxes ?

A.—Yes.

Q.—Can you visualise that there may be difference of opinion ?

A.—I can see that.

Mr Kunzru—May I say with regard to paragraph 18 (IV) that we do not want the members of the permanent services to be Governors or Executive Councillors. That is what we mean by saying that they should not have any controlling voice in the shaping of Indian policy.

The Committee then adjourned for Lunch till 3 O'Clock.

* The Committee re-assembled after lunch at 3 P.M.

The Hon'ble Sir Alexander Muddiman in the Chair.

Examination of Messrs. G. N Misra and H N. Kunzru continued.

Examination by Sir Tej Bahadur Sapru—(contd.).

(*Sir Arthur Froom*).—Q.—May I ask whether Sir Tej Bahadur Sapru, being President of the Association, wishes to examine on this Memorandum ?

Sir Tej Bahadur Sapru.—I shall put a few questions with regard to the United Provinces only.

(*Mr. Chairman*).—Q.—I must leave it entirely to your discretion.

Sir Tej Bahadur Sapru.—I was not going to ask a single question about the Association.

Q.—(to Mr. Kunzru). Will you please tell the Committee what you think is the leading feature of the population of the United Provinces ?

A.—The most important thing that strikes me about it is the oneness of language.

Q.—Am I right in saying that the United Provinces are about the

A.—Perhaps the Punjab is equally homogeneous, but certainly Bombay and Madras and the Central Provinces are not as homogeneous as the United Provinces in that respect.

Q.—You will recognise that there is a slight difference in the Eastern and in the Western districts, but it is practically the same language. A man from Gorakhpur might go to Saharanpur and he would make himself understood ?

A.—Quite easily.

Q.—So far as the Hindu population is concerned in the United Provinces during the past several hundred years, since Moghul times, there has been a common culture there barring religious matters. Do you agree with that proposition ?

A.—I do. United Provinces has been affected more by Muslim culture than any other Province.

Q.—Taking for instance towns like Lucknow, Agra, Cawnpore, Meerut and the whole of the Lucknow division, do you agree, in point of culture, language and mode of living, the Hindu and Muhammadan population there are much nearer to each other than in any other part of India ?

A.—They are very near one another. I am not competent to make comparisons. And it is the same, if I may say so in the Eastern districts

Q.—Now leaving behind for the time being the towns, do you, in connection with your work on the *Seva Samiti*, come very much into contact with the rural population ?

A.—I think I am fairly in touch with the people living in the rural areas.

Q.—Is the work you do on behalf of the *Seva Samiti* in your Province confined only to the urban population, or does it extend to the rural population ?

A.—It does extend to the rural population. We work in the Allahabad district, we have schools there and dispensaries there

Q.—So far as this work in the rural population is concerned, do you make any distinction between the upper classes and the depressed classes ?

A.—None whatsoever, and not merely I.....

Q.—I am talking of the *Seva Samiti*

A.—I am in a position to say that no member of the *Seva Samiti*, not even a temporary volunteer, has ever made any difference between a man of the upper and lower classes.

Q.—Will you please tell the Committee what the *Seva Samiti* is ; what is its organisation and its strength ?

A.—The *Seva Samiti*, translated into English, would mean Social Service League, and its objects are sufficiently indicated by its name. It has nothing to do with politics and we have in it political men, Government servants, students and all other people who are willing to take part in humanitarian work.

(*Mr. Chairman*).—Q.—Is it confined to your Province ?

A.—No, it has branches elsewhere, but the headquarters is at Allahabad, and I may say that its work has been recognised by the authorities inasmuch as the Government of the United Provinces gives a grant to

Q.—What is the total strength of your membership in the *Seva Samiti*?

A.—I could not say, but we have branches in a number of districts; it is a movement which has caught on, partly because of our social work in the rural areas and partly also on account of the boy scouts movement, which is also a part of our social work.

Q.—And you are also interested in the boy scouts movement? What is the office you hold there?

A.—I call myself Chief Commissioner there; the Association calls me Chief Commissioner. I am free to say that I take a keen interest in the movement.

Q.—Now, so far as the *Seva Samiti* work is concerned, may I take it that it is a symptom of the growing desire on the part of the educated classes to do social work among people of all classes?

A.—When we have wanted volunteers, even when we have wanted 800 or a thousand volunteers, schools and colleges have offered themselves in unlimited numbers.

Q.—On what occasions have you wanted these volunteers?

A.—There was the *Kumbh* at Hardwar in 1915 and the *Kumbh* at Allahabad in 1917, and the six-yearly *Kumbh* this year, and we went also to the *Kumbh* at Nasik, and at Kurukshetra there was a fair more than a year ago.

Q.—Will you please tell the Committee further whether you or anybody of public men associated with you have done any special work in connection with the depressed classes particularly?

A.—Do you mean members of the Servants of India Society?

Q.—Members of the Servants of India Society or the *Seva Samiti* or anybody else?

(*Mr. Chairman*).—*Q.*—Are you a member of the Servants of India Society?

A.—Yes.

(*Sir Tej Bahadur Sapru*).—He is President of it in the United Provinces.

(*Mr. Chairman*).—*Q.*—That is a political Society?

A.—Yes.

Q.—Have you done any work in connection with the depressed classes?

A.—So far as the United Provinces are concerned, we have started schools for them.

Q.—In how many districts?

A.—It depends on the local organisation, but there are a number of districts in which there are schools for the depressed classes, but we make a special feature of it in Allahabad itself, and we have also tried to discourage the habit of drinking among them at the *Holi* festival and other occasions. In the Bombay Presidency they have devoted attention to debt redemption, particularly among the sweeper class, and also to co-operative credit work.

Q.—What is the nature of the work among the depressed classes?

A.—Chamars are under some disabilities in the western districts; they are not allowed to draw water from the same wells, but generally

(*Mr. Chairman*).—Q.—Would you not call the *Domes* a depressed class ? I know of people who, if they were touched by *Domes*, would not go and bathe, but the *Bhangi* is on a different level. I think that is greatly due to Muhammadan influence.

Q.—Are you alive to the importance of this question ? Are the politicians in the United Provinces alive to the importance of the question, or are they shutting their eyes to it ?

A.—I think the movement for the uplift of the depressed classes is pretty strong in the United Provinces at any rate in these days.

Q.—You are not what I would call an orthodox Hindu ?

A.—Far from it, I should think.

Q.—May I ask you whether you are an orthodox Hindu (to Pandit G N. Misra) ?

A.—Yes.

Q.—But you sat in the same Council and on the same benches with a *Chamar* Member who was nominated by the Government ?

A.—I go even further and say I held meetings with them at the time of the *Holi* when I embraced the *Chamars*.

Q.—And I suppose you did not bathe afterwards ?

A.—Certainly not.

Q.—I put it to you that it is part of the inheritance of us Hindus—I believe the Hindu law lays down—that there are certain kinds of impurities which have been prescribed—I am not justifying them, for myself I think it is all wrong ; but I want to tell the Committee whether there are not certain kinds of impurities which are prescribed by the Shastras and Hindu Law, not only in the case of depressed classes but also in the case of the upper classes ?

A.—There are.

Q.—On certain occasions ?

A.—Yes, on certain occasions.

Q.—And this question of the depressed classes—that is my view, you are not supposed to agree with me ; if you do, say so—and this question of the depressed classes historically speaking is an expansion, a development of that doctrine ?

A.—First of all, I will say yes, and then I will add another sentence, and that sentence is the Hindu Lawyers have got an idea that unless a Hindu lived in a particularly clean way, he was not to be your companion, and the whole of these depressed classes have arisen because they lived in an unclean way.

(*Mr. Chairman*).—Q.—I would like to put one question. Are you suggesting that all the depressed classes are Hindus at all ?

A.—They are all Hindus.

(*Mr. Chairman*).—Q.—Would you call a *Gayadome* a Hindu ?

A.—Yes, I would call him a Hindu.

(*Mr. Chairman*).—Q.—Does he call himself a Hindu ?

A.—Yes. He also calls himself a Hindu.

Q.—May I supplement your question (to Chairman) by bringing out a particular phase of Hindu society ?

Now in the United Provinces has it come to your notice as a practising lawyer that there is a tendency among the lower classes to elevate them

A.—Everybody knows there that men of the lower classes are now trying to get into the higher classes. Some, who belong to the Vaishyas claim to belong to the Brahman class, while people of the Shudra class claim to belong to the Kshattriya class.

Q.—Take for instance the *Kurmis* in the United Provinces ?

A.—Yes, the *Kurmis*, the *Ahirs*, the *Kayasthas* and other such classes all call themselves Kshattriyas.

Q.—Now do I take it to be your view and the view of the educated classes in the United Provinces generally that everything should be done under the constitution to protect the interests of what are called the depressed classes ?

A.—Our constant effort has been to do that.

Q.—And supposing that the constitution provides for special protection of the depressed classes, would you welcome or resent it ?

A.—Welcome it very gladly.

Q.—Now coming to the Hindu-Muslim problem in the United Provinces, am I right in assuming that the Muhammadans, though a minority in the United Provinces, represent the best culture of Muhammadan days in the United Provinces ?

A.—They do

Q.—And although a minority they are very influential in certain parts of the United Provinces ?

A.—They are

Q.—Particularly in Oudh and Rohilkhand. And am I right in assuming that such differences as have arisen between the Hindus and Muhammadans in the United Provinces during recent years have been over these political issues for instance, representation in legislative bodies or local bodies, or representation in the public services ?

A.—To some extent it has been due to that, but to a great extent this tension has been noticed in the western districts of the United Provinces where there was a reflection from the Punjab.

Q.—So it is really an infection which we have caught from the Punjab ?

A.—I should like to say so provided I do not offend the Hon'ble the Law Member.

(*Sir Muhammad Shafi*).—I have been away from the Punjab for the past 5 years !

Q.—Then I put it to you, could you tell the Committee when the United Provinces Municipalities Act was passed ?

A.—In the year 1916 under Sir James Meston's Government.

Q.—And at that time the Muhammadans stood out for separate representation in the Municipalities ?

A.—They did.

Q.—There were some Hindu Members who supported the Muhammadan demand ?

A.—There were—amongst them your own honourable-self.

Q.—And perhaps you will agree that those Hindu members came in for a lot of blame in the press ?

A.—They did—yourself and Pandit Moti Lal Nehru, who fought for

Q.—And am I right in saying that even the "Leader" of the Moderate party criticised those Hindu members ?

A.—Yes, criticised them very sharply too.

Q.—But is there any movement among the Hindus now to take away such privileges as the Muhammadans obtained under the Municipalities Act, 1916 ?

A.—None whatever

Q.—They are quite reconciled to that ?

A.—Quite reconciled.

Q.—And they have been working that Act ?

A.—Yes.

Q.—Then in the reformed Council you passed a District Boards Bill ?

A.—Yes, that was in 1922.

Q.—This question of separate representation came up again then ?

A.—It did.

Q.—The Muhammadans demanded separate representation ?

A.—They did.

Q.—What was the attitude of the Hindu members in the Council ?

A.—We never opposed it.

Q.—Were the Muhammadans satisfied with the amount of representation that you gave them ?

A.—Well, they were not quite satisfied ; they wanted to go over the 25 per cent. which was the percentage given to them by the Committee appointed by Sir Harcourt Butler's Government to decide what ought to be the constitution of the district boards and the percentage to be given to the Muhammadans.

Q.—And that Act has been working since 1922 ?

A.—The first elections came on in 1923. It has been working all right.

Q.—And the Muhammadans are quite reconciled to it now ?

A.—The Muhammadans are quite reconciled to it.

(*Sir Muhammad Shafi*)—Q.—As the result of this arrangement in the United Provinces the periodically recurring cause of friction provided by mixed electorates has ceased to exist ?

A.—I think it has.

Q.—Now Pandit Gokaran Nath, I put it to you that if, as a preliminary to any further advance, it was considered necessary that the Hindus and Muhammadans should settle their differences even though it might involve sacrifice upon one side or the other, you would be prepared to accept such settlement, or would you rather wreck that settlement and have nothing to do with the Muhammadans ?

A.—As a well-wisher of my country, I would be the first man to sacrifice anything to get the Muhammadans on our side.

Q.—Does that represent your view or the view of the Hindu Community of the United Provinces generally ?

A.—Except for some of the die-hards in the Hindu community, the rest of the educated members of the Hindu community who are for an

advance in the constitutional progress of their country are all of the same opinion.

Q.—You recognise that die-hards never die ?

A.—I do not think they do anywhere.

Q.—Neither in this country nor in Europe ?

A.—Quite so.

Q.—Well then I will pass on to another question. Will you please tell the Committee what exactly has been the trouble between the landlords and the tenants in the United Provinces during the last 3 years ? On what issues have they been divided ? Please tell us very briefly whether it hasn't been the case of the tenants that they want greater security of tenure and fixity of rent ?

A.—That was the very reply I was going to give. For a long time past the tenants complained against the system of ejectment which prevailed in Oudh and there was no security of tenure. A tenant might have held his lands for three generations or for the matter of that for over a century but he could be turned out.

Q.—To remove all these grievances I think the United Provinces Government introduced a Bill in the Council ?

A.—That is so.

Q.—Am I right in assuming that that caused a rupture between the Moderate party on one side and the landholders at that time ?

A.—I should not say a rupture—a difference of opinion.

(*Mr. Chairman*).—*Q.*—Are there no landlords among the Moderates or no Moderates among the landlords ?

A.—Yes there are, I myself am a landlord.

(*Mr. Chairman*).—*Q.*—Do you belong to the Moderate party ?

A.—I belong to the Moderate party.

(*Mr. Chairman*).—I just wanted to make that clear.

Q.—Well, there was some difference of opinion you say. Now will you please tell the Committee what was the attitude of the moderate politicians and the educated politicians generally in the legislative Council in regard to the tenants ?

A.—Their attitude was merely to try to obtain some security of tenure for the tenants.

Q.—And you will admit that the Bill, which was passed by Sir Harcourt Butler's Government was certainly an improvement on the position as it was until that time ?

A.—A very great improvement, because the Bill as it was introduced in the Council and as it was passed, gave a life tenancy to the tenant whereas previously he had only a 7 years' lease. What we tried to do was that he should have a limited hereditary right to his holding.

Q.—Now I am told—I do not know whether it is right or wrong—I am told there is a feeling of apprehension among the landlords in the United Provinces that unless their rights are protected they may be swamped in the Councils by the tenants. Is that true ?

A.—I do not think there is any chance of that for a long time.

(*Mr. Chairman*).—*Q.*—They will in the end ?

A.—Well in the end ; the landlords themselves realize it and everybody else realises it. In the Lucknow rural constituency, for instance, the landlords' votes number 2,000 to 3,000 ; the rest are tenants.

(*Mr. Chairman*).—Q.—But I suppose you will agree with me that even among the landlords there is a fairly appreciable section who are alive to their responsibility towards their tenants. Their feelings towards their tenants are changing ?

A.—Their feelings are changing as will be apparent from the attitude of one member of the Local Government Nawab Sahib of Chhatari.

(*Mr. Chairman*).—Q.—Now perhaps you will tell the Committee what you did in your own individual capacity at the time of the election and afterwards to educate the electorate—how many meetings did you organise, how many meetings did you address ?

A.—I will tell you exactly. In the election of 1920, I addressed not less than 54 meetings, leaving no important village in my constituency, it being the district of Lucknow, where I did not address a meeting. After the Council elections were over, and I was returned to the Council, every year during the winter season I used to go round in my constituency and tell the people what were the things done for them in the Council. When the Oudh Rent Act Bill was before the Council, a number of meetings were organised by me asking the tenants as to how far they were prepared to accept the legislation introduced in the Council and how far they would like it to be amended, and many of the amendments, which I moved in the Council, were dictated by the view which the tenants themselves expressed.

Q.—Roughly speaking, how many thousands of tenants do you think you addressed before the election of 1920, and during the three years that you were in the Council ?

A.—I will tell you exactly. The average number of tenants which attended my meetings, held before the election of 1920, were somewhere between 400 to 500. If you multiply that by 54 you will get over 20,000. The number of tenants whom I addressed during the three years that I was in the Council was about 10 to 15 thousand.

Q.—Mr Kunzru, when you were a Member of the Council, am I right in assuming that it was a uniform practice of yours to go to your constituency to address your electorates ?

A.—I was slack in the first year, but I made it up subsequently.

Q.—What was your constituency ?

A.—Muzaffarnagar.

Q.—Did your constituency consist mainly of rural population or urban population, or was it a mixture of both ?

A.—It was mainly rural. The town of Muzaffarnagar is a very small town.

Q.—Will you please indicate to the Committee the nature of the subjects on which you addressed your constituency ?

A.—There was no limit to the subjects.

Q.—What was the class of subjects ?

A.—Sometimes I spoke to them about military questions, sometimes about irrigation.

(*Mr. Chairman*).—Q.—Are you a Member of the United Provinces Council now ?

A.—I am not in the United Provinces Council this year.

(Sir Tej Bahadur Sapru).—He stood for the Assembly and he was defeated.

Q.—Will you please tell the Committee what were the subjects on which you generally addressed your meetings ?

A.—There was not limit. I spoke to them sometimes about the transferred subjects, sometimes about the reserved subjects, sometimes about the military question, and I can say that even so far as the military question was concerned, they followed it intelligently. Of course, not in the way in which educated people would, but they perfectly understood the injustice, for instance of not giving commissions to people who represented those who had been sent from the various districts to France and other places.

Q.—With regard to transferred and reserved subjects, did you find people taking an intelligent interest in the issues that you explained to them, or were they simply mute and never put to you any intelligent question ? What was your experience ?

A.—On subjects which touched their life in any respect they followed the speaker intelligently, but if the speaker began talking about responsibility and things of that kind, using English language or high-flown Persian, then of course they ceased to take an interest.

Q.—Did they have any conception of law and order ?

A.—They had a very good conception. They understood what was meant by the Police and Honorary Magistrates and Collectors and Deputy Collectors.

Q.—Now, Pandit Misra, I suppose you can speak the villages' vernacular with great facility and ease ?

A.—I always addressed them in their own vernacular.

Q.—Not in the high-flown vernacular of Lucknow—Urdu ?

A.—Never

Q.—What was the nature of the subjects on which you addressed your constituency ?

A.—I addressed them on the Oudh Rent Act. I addressed them on the District Boards' Bill, I addressed them on several other matters which were before the Council, for instance, excise questions and the settlement questions. There was a Settlement Committee appointed in my province. I addressed them on questions relating to the Jury and so on. But whenever I addressed them with regard to transferred and reserved subjects, they said, "We cannot understand this difference. What is the difference between transferred and reserved subjects ?"

Q.—Did you ever make any attempt to explain to them the currency policy of the Government of India ?

A.—No, that I never did. I thought that it was no use. It was not within my domain. I never understood it myself.

Q.—Speaking with all respect, of the Members of your Council I suppose there were not many who can understand the currency policy of the Government of India, or for the matter of that, of the Local Government ?

A.—I can safely confess that I myself did not understand to its fullest extent the currency policy of the Government of India.

of them literate or educated to any high degree prevented them from appreciating such issues as you were able to explain to them in their own language ?

Mr. Kunzru.—None whatever. I think, on the whole, they understood provincial subjects well.

Mr. Misra—That is my experience too

Mr. Kunzru—It depends on the manner of explanation.

Q—If you were asked as a politician to follow the good example of the English people to wait for 300 years until you got further reforms, what would be your attitude and what would be the attitude of your countrymen of all sections, according to your knowledge ?

Mr. Kunzru—They would be united in opposition to such a notion. There would not be a single man on the side of Government if they took up that attitude.

Q—Now, in answer to a question by Sir Sivaswamy Aiyar, you said that you found a great deal of mistrust of the Government ?

A.—Yes.

Q.—Can you tell the Committee in what respect that mistrust was ? What was it which caused the mistrust of Government ?

A.—The main thing, leaving aside the question of expenditure, was really the Police and district administration.

Q.—I suppose you are not very much in love with dyarchy now.

A.—I never was. As I said, we accept it only as a measure of political expediency.

Q.—Is it your suggestion that dyarchy should go ?

A.—Certainly.

Q.—Am I right in assuming that you are an out-and-out advocate of provincial autonomy ?

A.—Certainly, that is, responsible government in the provinces.

Q.—When you talk of responsible government in the provinces or provincial autonomy, what is at the back of your mind ? Do you want to get rid of all control of the Government of India in regard to all matters ?

A.—We certainly do not want the provinces to be so many independent States. There must be a common authority for them, and that common authority can only be the Government of India and the Imperial Legislature.

Q.—Would you reserve the power of legislation with regard to penal laws to the Central Government or the Central Legislature ?

A.—I would

Q.—And you would not do away with the veto of the Governor or the Governor-General ?

A.—It cannot be done away with in any system of constitutional Government.

Q.—Therefore, am I right in assuming that by provincial autonomy, what you understand is that the functions which are at present discharged partly by Ministers and partly by Members of the Executive Council should, in future, be discharged by the responsible Ministers owing responsibility to the Legislature, subject to certain safeguards in the Statute vested in the Central Legislature or the Central Government ?

A.—Quite so.

Q.—With regard to the Central Government, what is it you mean by responsibility in the Central Government ?

A.—For the present, we do not ask that the Army, Foreign Affairs, and Indian States should be under responsible Ministers, but the rest of the subjects should be. But even so far as these three excluded subjects are concerned, we do not wish that the Legislature should have absolutely no control over them whatsoever. I think we should be free, for instance, to ask questions even about foreign affairs, and that we should be able to move Resolutions in regard to the Army. We can do that even now.

(*Mr. Chairman*).—*Q.*—One point about Indian States. You are aware that Indian States are not part of British India ?

A.—I did not say anything subsequently about Indian States. We want to have questions put about foreign affairs. About Indian States, there are occasions when the People of the Indian States and British subjects in British India come into collision and I think that the Assembly ought to be allowed some measure of interference.

(*Mr. Chairman*).—*Q.*—You said something about reserving such subjects as Indian States. I put it to you that Indian States are not part of British India.

A.—The Indian States are under the Government of India which we wish to take over

(*Mr. Chairman*).—*Q.*—Do you wish to take over the administration of Indian States ?

A.—When we take the matter completely in our hands, naturally we shall deal with Indian States

(*Mr. Chairman*)—*Q.*—I put it to you that the Government of British India is not the same as the Government of India as a whole. Is it your idea that at some future date the British Legislature for British India should step in and have control over the Indian States ?

A.—It will not pass legislation in regard to them, but it will certainly deal with them in the way in which, for instance.....

Q.—I only wanted to get your opinion.

A.—I do not contemplate that the British Indian Legislature would legislate for the people in the Indian States, unless of course the States themselves want it

(*Sir Muhammad Shafi*)—*Q.*—You said in reply to Sir Tej Bahadur Sapru just now that you would even then like to have the right of moving Resolutions with regard to defence and foreign policy. Supposing the view of the Legislature and of the Executive Government—the Govt. of India—with regard to any of these questions of defence and foreign policy coincided, in that event would you remove the control of the Secretary of

Q.—How do you visualise the future as regards the Secretary of State's control over the Government of India? Do you want it to continue or do you want it to be abandoned absolutely or do you want it to be relaxed?

A.—I want the Secretary of State for India to be in the same position as the Secretary of State for the Dominions.

Q.—There was one question put by the Maharaja of Bardwan and that was with regard to the Governor's salary. I put the question to you in a general way. With regard to the Governor's salary or the Governor-General's salary, would you object that salary being a charge on the Consolidated Revenue Fund?

A.—Not in the least. In fact, if we were to get self-government, I do not mind giving the Governor his salary and his allowances and whatever else he may have.

Q.—Will you please tell the Committee what was the attitude of the non-official Members of the Legislative Council in the United Provinces generally with regard to the Services, and in particular with regard to the Medical Service?

A.—I will answer the latter part first. With regard to the Medical Service, there was certainly a strong feeling and the strong feeling was due to that rule in the Devolution Rules which compels the Local Government to employ as many members of the Indian Medical Service as the Secretary of State shall direct. We thought that this was quite unwarranted. Besides,—it is very difficult to cite facts in proof—I cannot refer you to any witness—but the Members of the Indian Medical Service were themselves dissatisfied with being placed even partly under Ministers and I have been informed.....

(*Mr. Chairman*).—*Q*.—Are you speaking from personal knowledge or hearsay?

A.—I am an inhabitant of the United Provinces. I was for three years in the Council, and had an opportunity of coming into contact with not merely non-officials but also officials and that is my general impression. Not that any Member of the Indian Medical Service told me so.

Q.—I put to you a concrete case from the United Provinces. I understand that there was a considerable amount of feeling among the Medical Service in the latter Province when the officiating Principalship of the Medical College at Lucknow was given to an Indian Doctor?

A.—Yes, Dr. Saidus Zafar Khan. I understand it was so.

Q.—Was there any question raised with regard to it in the United Provinces Council?

A.—We never questioned about it.

Q.—But how do you know that there was any feeling among the Medical Services?

A.—Just as I came to know a number of other things.

Q.—But what was your attitude with regard to the Irrigation Department? I understand that one criticism levelled against your Council was that non-official members would, if irrigation was a trans-

A.—Yes. Before the rates were introduced, there was some consultation between Government and some members of the Council, and I do not know of any member who declined absolutely to raise the rates. The question was one entirely of extent and for the future nobody can guarantee that the future Local Legislative Council will not lower the rates. It may lower or abolish or raise them.

Q.—I should like to put to you one more question with regard to the Services before I pass on to the last question. It is this. Supposing that in any constitution that the British Parliament gave you, absolute security was given to the members of the Services who had entered service before that constitution came into force just as it has been done in the case of some other colonies—security given by Parliamentary statute and not given by an Act passed by the Indian Legislature, would you object to that?

A.—It would be a reflection on us in a way, but I would reconcile myself to it.

Q.—That is of course with regard to the members already existing?

A.—Yes.

Q.—And as regards the future entrants what is your view? That they should be brought under the control of the Legislature?

A.—That certainly is my view.

Q.—Have you got anything to say with regard to the appointment of a Public Services Commission?

A.—I am on the whole in favour of the appointment of such a Commission.

Q.—Would you transfer to this Commission the power of discipline, punishment, or promotion?

A.—No. I would really allow it to recruit men, and to fix the standard, but so far as discipline is concerned.

(*Mr. Chairman*).—Q.—The discipline would be imposed by the Legislature?

A.—By the Government, of course, which would ultimately be responsible to the Legislature.

Q.—But would you give the power of recruitment to them?

A.—Undoubtedly.

Q.—I understand that there is a feeling amongst the Muhammadans even in the United Provinces that they do not get adequate representation of their community in the Public Services. How would you meet that feeling in the future?

A.—That feeling may sometimes express itself, but I do not think on the whole that there is any feeling in the United Provinces that Muhammadans are being unjustly treated in the matter of public appointments. I would not admit it.

Q.—Would you leave recruitment of the Muhammadans only to

Q.—Will you tell the Committee what was the attitude of the non-official members towards the administration of law and the maintenance of order in your province during the troublous days of 1921-22 ? Did your non-official members shrink from supporting the Government ?

A.—At the beginning of the reformed Council, there was a greater feeling of harmony between the Government and the Legislature than towards the end of it. For instance, when the Seditious Meetings Act was proclaimed in Rae Bareli and three other places in the Province, we did not criticise the Government.

Q.—Did you support the Government ?

A.—I do not think we moved a resolution to support the Government or said anything. We did not criticise it.

(*Sir Swaswami Aiyer*).—*Q.*—Did you give your vote ?

A.—No question of vote. The Seditious Meetings Act was applied by the Governor in Council.

Q.—You suggest that when the Seditious Meetings Act was applied to Rae Bareli and other places, the non-official members did not raise any debate with regard to it nor opposed Government on that issue ?

A.—No.

(*Mr Jinnah*).—*Q.*—They acquiesced in that ?

A.—Yes.

Q.—What was their attitude with regard to other measures that the Local Government took with regard to certain riots that took place at that time in the United Provinces ?

A.—The feeling really became strained in consequence of the proclamation of the United Provinces under the Criminal Law Amendment Act. That was really the breaking point. I do not wish to conceal from the Committee the fact that we and the Government were as poles asunder on that point.

Q.—What was that which divided you from the Government with regard to that ?

A.—We thought partly the action taken exceeded even the legal requirements of the case and partly because as a measure of policy the extension of the Criminal Law Amendment Act was wholly wrong.

(*Mr. Jinnah*).—*Q.*—Was it necessary ?

A.—I mean it was not necessary when I say it was politically wrong.

Q.—It was unnecessary and politically wrong ?

A.—Yes. We passed a resolution in the Liberal Federation saying that intimidation could be dealt with by other means than the proclamation of the Criminal Law Amendment to the whole Province.

(*Mr. Chairman*).—*Q.*—On that occasion you did not support the Government ?

A.—No. We directly opposed it and raised a debate and challenged the action of the Government.

Mr. Misra.—I myself sent in a representation to Sir Harcourt Butler calling for a special session of the Council to discuss the situation. We thought that any attempt to restrict the right of free speech

We voiced our complaints in regard to the administration of this Act and in regard to certain administration acts in certain districts in the Council repeatedly.

Q.—I have heard a criticism that the non-official members of your Council showed a considerable weakness for the political offenders at that time. How far are you prepared to meet it ?

A.—I do not believe that we gave any cause for that unless it be that we asked repeatedly that these political offenders should not be treated as ordinary prisoners.

(*Mr. Chairman*).—*Q.*—Did you ask for their release ?

A.—Yes

Q.—For all or some or many ?

A.—For all those who had not been guilty of offences to person or property.

Q.—But not of others ?

Mr. Micra—And that only when the situation had calmed down.

Mr. Kunzru.—I may say that it was subsequently said by Government that they would consider it as soon as the situation calmed down. But our demand was a more uncompromising one.

(*Mr. Chairman*).—*Q.*—That they should be released at once ?

A.—That was our demand. When a resolution was brought up with regard to the doings of the Police in a certain district, the Finance Member of the day agreed with the Council that that was a hard case and that the Police had exceeded ..

Q.—Never mind those instances Supposing you were told that you could get many of the defects in the Government of India removed or remedied by alteration of certain rules or by the amendment of certain sections on certain minor points or major points of an administrative character—within the meaning of the reference which you have read, would you be satisfied with that ?

A.—No. I have no doubt that a number of defects could be so removed, but no minor alteration of the Act or rules would give us what we ask for.

Q.—Then what is the suggestion that you would like to make to the Committee ?

A.—I speak with some diffidence because I am not a lawyer, but I think a radical amendment of the Government of India Act would be needed. I say that subject to the qualification that I am no lawyer.

(*Sir Arthur Froom*).—*Q.*—*Mr. Kunzru*, I understand you to say that when you were addressing your constituents they did not understand everything, but that they understood military matters, such as, the injustice of not being given Commissions when they went to war ?

A.—Not when they went to war. To the representatives of the men who had been sent to France and other places during the war. I am

Dr. Paranjpye.—*Q.*—You suggest that you are in favour of certain aspects of non-co-operation. Would you tell us exactly what those aspects are ?

A.—Being in touch with the masses, trying to add to their economic resources, and making it a policy that all your measures should be judged by their well-being, however ugly their manifestation may have been, this cardinal principle must undoubtedly be approved of by all.

Q.—That is a principle which every political association has, and the peculiarity of non-co-operation is not to have anything to do with Government ?

A.—So it is.

Q.—When you say you are in favour of certain aspects of non-co-operation, you mean you are in favour of some of the actual points of their programme, such as, Hindu-Moslem unity, uplift of depressed classes, etc ?

A.—Some things that were more actively pursued by them than by other political parties

Q.—What was your relation and the relation of the non-official members with the Ministers ?

A.—There were parties—perhaps ‘parties’ is not applicable—there were differences of opinion with regard to Ministers, but so far as the majority is concerned, I think we were with the Ministers as may be evident from the fact that they could carry on without there being a majority of professed Liberals.

Q.—Was there a non-official association of members of your Council ?

A.—We had a party known as Progressive Party.

Q.—What was the strength of that party ?

A.—About three dozens.

Q.—Were the Ministers members of your party ?

A.—Not formally. That was in view of the peculiar situation of dyarchy. We did not ask them to join that party I must say.

Q.—You considered the Ministers could not whole-heartedly be with you ? You could not take them into your confidence ?

A.—That was my feeling although Mr. Chintamani is a great friend of mine.

Q.—Why was this feeling amongst you ?

Mr. Misra.—Because we wanted to oppose certain measures brought by Ministers also and to criticise them.

Mr. Kunzru.—We did not think that the Ministers had a free hand with regard to the transferred subjects. So long as the Governor presides at a meeting and has a vote you can never have the feeling that the view expressed by the Minister is his own only.

Q.—And did you consider it practically difficult for you to take the Minister in your confidence because it is supposed to be responsible, in the know of reserved subjects also ?

Mr. Kunzru.—We told him of the gist of our criticisms but we never invited him to any meeting and we also knew that he had some part to take in regard to the administration of reserved subjects. We did not want to be influenced by him.

Q.—Supposing all the subjects were transferred, then I suppose the ministers would naturally be the heads of the party ?

Mr. Misra.—Naturally they would be out of our party.

Q.—And then their supporters would naturally take them into their confidence or rather they would take the supporters into their confidence ?

Mr. Misra.—The Ministers would do exactly what we want.

Mr. Kunzru.—The Ministers will do everything.

Q.—Members of the opposite party would move resolutions against the Ministers and not their supporters ?

Mr. Misra.—Yes, they would

Q.—So that you think that your not getting into the full confidence of the Ministers is to a great extent due to the existence of dyarchy ?

Mr. Misra.—That was so. We could never get rid of this feeling that they were not entirely with us and that there was some estrangement between ourselves and them.

Mr. Kunzru.—I may go further and say that at one period it even affected our personal relations.

Q.—Did you at any time feel resentment against the Ministers because they voted against what you considered to be the popular feeling ?

A.—We were feeling it every time.

Q.—I suppose you felt that if they had not been Ministers, they would have voted with you ?

A.—Yes.

Q.—You would have got one more vote ?

A.—Yes.

Q.—Now you were answering the Chairman about there being no Reform Bill for 300 years before 1832. I suppose you are aware that after 1832 there were 3 or 4 Reform Bills ?

A.—Yes.

Q.—You are aware that even in England they did not wait for 300 years ?

A.—No.

(*Mr. Chairman*).—I may say with regard to that question that the point was taken from your Memorandum.

A.—Even the Chairman did not want us to wait for 300 years, that would be an intolerable situation.

Q.—Pandit Misra, you said that manhood suffrage also would be feasible ?

A.—Yes.

Q.—Do you think that it should be given immediately ?

Mr. Kunzru.—We are not advocating it just now.

Q.—Would it make any material difference in the way in which the

Mr. Misra.—Not much difference, but the feeling among the people that they are being excluded from the franchise and taking part in sending their representatives to the Council, would be removed. Those who have no vote at present feel that they are being unjustly excluded.

(*Maharaja of Burdwan*).—Q.—Is it not a fact, Panditjee, that apart from that what the people feel is that a man, simply because he pays a few rupees more, has got the vote and a man has no vote because he pays a few rupees less even though they are exactly of the same social status.

Mr. Misra.—You are quite right. There is practically no difference between the two.

Q.—There will be practically no difference in the measures passed by the Legislative Council?

A.—Not much.

Q.—Or in the administrative measures?

A.—Not much.

Q.—There will only be the feeling of satisfaction that they have a vote?

A.—Yes.

Q.—Would you have educational qualifications for the vote?

A.—The qualifications as they are now in my province are very good. I would not add any qualification with regard to literacy or with regard to education. I think a tenant who is asked to express his opinion about a particular point can do so very well even though he is not educated.

Q.—I do not want to take away the vote from any people who are enfranchised at present. But would you add additional qualification for a vote?

A.—I would not.

Q.—A person who does not pay rent or revenue but who is at the same time educated up to a certain point?

A.—We discussed this question several times, but we were not in favour of adding that qualification.

Q.—What do you think of joint families then? One member of a joint family would have a vote and the others would not have a vote?

A.—We discussed this question and we decided to take up this position that the members of a joint family must be treated as individual members or treated as a family as a whole. If you are to be treated as a family as a whole, then in that case if we come within the qualification clause, we would get a vote. If we do not insist upon that, probably every one of the members would be dis-enfranchised. So we took up the position that it would be better to have one vote rather than have no votes at all.

Q.—A question has been put to you that while you disapprove of dyarchy in the provinces, you are advocating a somewhat similar arrangement in the Central Government?

A.—Yes.

Q.—Would you mind explaining that a little more?

A.—It can be explained in one sentence. It is this that for the transitional stage it seems to be necessary ; as it was necessary in the case of the provinces so it seems to be necessary in the case of the Central Government.

Q.—Don't you think that in the case of civil administration you had at any rate a fairly large number of people who had some experience of civil administration ? If not, in the higher rungs of the ladder, there have been Indians in the positions up to Deputy Collectors, Collectors, or on the other hand District Judges or even Judges of the High Court or Engineers or Professors or in few other posts in the Civil Service. So that to a certain extent so far as the civil administration was concerned, don't you think Indians were more or less qualified to hold posts even of a higher nature in responsible governments ?

A.—I think so.

Q.—In the case of military administration Indians have not got any experience at all of higher administration. Don't you think you require some more time for that ?

A.—That is the reason why military administration has been put on a separate level from the civil.

Q.—So you want to put the military separate from the civil because it would be difficult for Indians to take charge of military departments because they had no experience ?

A.—The whole attempt of the Legislative Assembly regarding the resolution moved by Sir Sivaswami Iyer has been to train Indians.

Q.—You agree with that ?

A.—Yes, that has to be.

Q.—Would you mind explaining to us what is approximately the composition of the various groups in the United Provinces Legislative Council during the last council ? What were the various groups ?

A.—The elected members consisted of 100 members, of whom 11 members were selected by special constituencies.

Q.—Were they fairly homogeneous ?

A.—Of the special seats, 6 went to the landholders, 2 to the Upper India Chamber of Commerce, 1 to the United Provinces Chamber of Commerce, 1 to the European community and 1 to the Allahabad University.

Q.—So that all these 11 persons were not of the same opinion on all questions ?

A.—I do not think so

Q.—Possibly the 6 landholders were of the same opinion ?

A.—Yes. Of the rest of the people some were elected by urban constituencies and some by the rural constituencies, a certain number consisting of Hindus a certain number consisting of Muhammadans.

Q.—I do not want exactly the rules about elections. I wanted to know something about their political grouping ?

A.—Roughly there was this progressive party, which was organised by us, which consisted not only of the labelled liberals, but also of those who although they did not like to join the liberal party, but shared the same opinions.

Q.—How many were there ?

A.—Just as my friend puts it between 33 and 36. You may put down 36 progressives. Then there were two Europeans from the Upper India

Chamber of Commerce and one from the European community and one nominated Anglo-Indian. These never took part in the political grouping. Thus there were roughly 4 Europeans. Thus there remained roughly about 60 men. They were all landholders.

Q—So the landlord party was in a majority?

A.—Roughly so. Out of these some were Muhammadans and some were members who were not landholders at all but they did not join any party, not even the landholders' party. Out of these 60, there were 30 Muhammadans and out of them I would put down 15 Muhammadans who did not join the landholders' group altogether. If you take away from 60 these 15, roughly the landholders were about 40 to 45. But these landholders were disorganised and they seldom agreed amongst themselves about any particular thing.

(*Maharaja of Burdwan*).—*Q*.—Is there any difference between landlords and landholders?

A.—Landlords and landholders are the same. In some Act the word landlord is mentioned, while in some other Act landholder is mentioned.

(*Mr. Chairman*)—*Q*.—Then I take it that on your own showing you were in the majority?

A.—Practically for the purpose of coming together for voting purposes.

(*Mr. Chairman*).—*Q*.—A working majority?

A.—We had a working majority. That was the reason why the ministers were able to carry on the administration.

Q.—You had 36 progressives, 4 Eurojeans, about 45 landlords of a fairly disorganised character and about 15 Muhammadans who did not either join the landlords party or the progressive party?

A.—Yes.

Q.—So that there was absolutely no majority of any group whatsoever?

A.—That was so. These landholders themselves subsequently, when the District Board Bill was before the Council, broke themselves up and some of them formed a group consisting only of 12. They called themselves progressive landlords and the others conservative landlords.

Q.—In your last Council there was no standing majority of any party?

A.—There was no standing majority.

Q.—You had to get together two or three groups so that you might have a working majority in the Legislative Council?

A.—That was so.

Q.—When you had these groups coming together to form a working majority, the Ministers, I suppose, had at least informally to consult these various groups?

A.—The Ministers did not consult the groups as a whole but the Ministers informally consulted the leaders of the various groups.

Q.—And so they only introduced such measures or took such administrative measures as would on the whole secure for them a majority.

Q.—And you think that it is possible in your Council to work it by means of the group system ?

A.—Yes.

Q.—Do you think that at any time there will be an absolute majority of any party ?

A.—I think after a short working we will be able to get a majority party.

Q.—Of your progressive party for instance ?

A.—Yes, it is possible that we might have two parties, one of absolute majority for the Ministers and the other of opposition.

Q.—In any case you think that even if there are no regularly constituted two parties if there are 3 or 4 or 5 parties, the Ministers will get the support of certain sufficient number of groups as to enable them to have a majority in the Legislative Council ?

A.—Quite so.

Q.—You do not think that the existence of two parties is absolutely necessary for the proper working of representative institutions ?

A.—Not necessarily. We can work with the groups till we get a party of absolute majority.

Q.—And in fact I suppose you know that in several continental countries this is the case that they work under the group system ?

A.—I know that.

Q.—Now you told us about the sanction of Government that is required for Bills of a provincial nature ?

A.—Yes.

Q.—I suppose you understand that sanction is required to enable the Government of India to see that these Bills are not trenching upon any subject which is reserved for them ? How many private Bills have been moved in your Legislative Council ?

A.—One was with regard to the Municipalities for lowering the franchise, and then there was the Agra Tenancy Bill, which was introduced by a private member. These were the two. I think these were the only two. There was one other Bill which was introduced by one of the present Ministers. That was with regard to certain amendments in the Agra Tenancy Act ; but he subsequently withdrew it.

Q.—Had these private members to get sanction of the Government of India before they could introduce these Bills ?

A.—That is a question about which I am not fully aware otherwise I would have given my reply. Sir Henry Noncrieff-Smith thought that I was under a misapprehension as no sanction was required with regard to these Bills.

Q.—I happen to know that in our Presidency a private Bill had to obtain the sanction of the Government of India ?

A.—That is also my impression.

Q.—Don't you think that this rule will often enable Government to delay a private member's Bill or at any rate, introduce difficulties ?

A.—That is exactly what the Association says. We maintain that the position ought to be that if there is any measure which really deals with

a local question and does not infringe any of the restrictions which are provided in the Government of India Act, then it should not come up to the Government of India at all. If the Local Government, however, decide that that Bill deals with a question for which the sanction of the Government of India is necessary, then it can come up to the Central Government for its sanction.

Q.—Mr. Kunzru, you just mentioned your Secondary Education Bill. Can you tell us whether that Bill required the sanction of the Government of India before it was introduced ?

A.—I think all the other Bills were sent to the Government of India.

Q.—Had it anything to do with any of the subjects mentioned in the schedule for which the previous sanction of the Government of India is required ?

A.—I do not think secondary education is mentioned in the schedule.

Q.—Still that Bill had to receive sanction ?

A.—I believe so.

Q.—That Bill was introduced by one of the Ministers ?

A.—Yes.

Q.—I suppose on the lines of the Saddler Commission's Report ?

A.—Yes.

Q.—Did it pass through all right without much opposition in the Council ?

A.—I think so.

Q.—Your province is rather well known for having a larger number of Universities. There are about 5 Universities—Allahabad, Benares, Aligarh, Lucknow and probably Cawnpore. You will soon have a University at Agra ?

A.—Whatever other Universities we may have in future, at present we have got only 4 Universities, the first four.

Q.—Do you think that the existence of so many Universities in your province has led to the deterioration of the standard of the University teaching, because a great point is made of that in several quarters ?

A.—I do not know personally much about the Aligarh University. But speaking about the other three Universities, I can say from my personal knowledge that their standards are by no means lowered.

Q.—Is the standard of the old Allahabad University kept up in these other Universities ?

A.—Certainly. We have not noticed the slightest inclination to lower the standard.

Q.—Are there any public examinations or any other means by which you can gauge the relative merits of graduates of these Universities ?

A.—I suppose they take part in the competitive examinations of the Finance Department. They also sit for the Deputy Collectors' competitive test. They also compete for the Indian Civil Service and the Indian Police.

Q.—And the public opinion is not against these Universities because the standard of these Universities is particularly low ?

A.—No.

Q.—There is no tendency for the students of one part of the province to go to a distant University because that University gives cheap degrees ?

Mr. Misra.—The only reason why some students may do so is that there are certain subjects in which, say, the Lucknow University has got professors better qualified and the students who wish to take up those subjects naturally prefer to join that University. In certain subjects the Allahabad University has got better professors and the students from different parts of the Province go there.

Q.—Then you strenuously deny any implication that the Universities are lowering the standards of higher education ?

A.—I am quite prepared to institute a most searching comparison between the standards of our Universities and those of any other Universities in India.

Q.—So you would not be against any organisation of an All-India character for the preservation of University teaching standard ?

A.—Certainly not, so long as it is advisory.

Q.—*Mr. Kunzru*, you spoke about the services. In answer to Dr. Sapru, you said that you were in favour of Public Services Commission. What kind of power and duties would you assign to this Public Services Commission ?

A.—I said it would only recruit. It would also fix the standards of examination. But the discipline and promotion would be enforced by the Government.

Q.—Supposing there is an appeal on account of an injustice supposed to have been done to an officer, would you hand it over to the Public Services Commission ?

A.—Surely not. The appeals must go to the Governor, to the Viceroy and to the Secretary of State. I would allow the Public Services Commission to deal with recruitment only.

(*Sir Muhammad Shafi*).—*Q.*—Would the Governor have the power to refer the cases to the Public Services Commission for opinion or otherwise ?

A.—The Commission can ask any officer to report. We do not limit its power there.

(*Sir Muhammad Shafi*).—*Q.*—I believe in reply to Sir Arthur Froom's question on paragraph 18 (IV) you said that that para. referred only to the members of the Governor General's Cabinet ?

A.—Yet, to the Governor General's Executive Council.

(*Sir Muhammad Shafi*).—*Q.*—You would not, therefore, object to a member of the Civil Services becoming a member of the Legislative Assembly or the Council of State ?

A.—No

(*Sir Muhammad Shafi*).—*Q.*—You would only object to having them in the Governor General's Cabinet ?

A.—I said before that there was a little difference of opinion with regard to that point. Some of the people said that it was not necessary that the officials should be members of the Legislative Assembly or the Council of State. But the others said that they should not, but the majority held the view that they should not have the power to vote.

(*Sir Muhammad Shafi*).—*Q.*—This para. refers to the Executive Council and you are all clear on the point that they should not be on the Executive Council ?

A.—That is so.

Mr. M. A. Jinnah.—*Q.*—For how many years have you been in public life ?

A.—I joined the profession in 1896 ; and from 1899, the year when the Congress for the first time sat in the City of Lucknow, I have been in the public life of my Province.

Q.—And you were connected with the Indian National Congress all this time ?

A.—I was connected with the Congress right up to the year 1920 when the Boycott Resolution was passed at the Calcutta Congress. It was after this Resolution that I resigned my General Secretaryship of the All-India Congress Committee.

Q.—Were you in the Council before 1919 ?

A.—I was elected to the Council which existed prior to the Reforms Scheme in March 1916.

Q.—Now, I want you to understand this question very clearly. You have sufficient experience of the electorates whose suffrage you had to seek whenever you contested election either for the old Councils or for the Reformed Councils. Do I take it that you can say from your personal knowledge that the electorates are intelligent electorates ?

A.—I can say that they are sufficiently intelligent.

Q.—When it was put to you, you said that the electorates were not ideal. Do you know of any other country where they have reached that ideal ?

A.—I do not think that in any other country that standard has been reached.

Q.—Do I take it that in your province the electorates will be able to send able representatives to the Legislature ?

A.—I think so. I have no doubt about it. I have already said so.

Q.—Now I come to Hindu-Muhammadan question. I take it that your opinion and the opinion of your Association no doubt is that you do not wish to do away with separate electorates, so long as the Muhammadans desire to continue them ?

A.—Yes ; that is the opinion of my Association.

Q.—Do I take it that that is not only your Association's opinion or your opinion but the opinion of the Hindus throughout the United Provinces that you are willing to agree to any adjustment or any settlement which would secure adequate representation for the minorities ?

A.—The opinion of the Hindus of the United Provinces is that they are quite willing to come to any fair and reasonable adjustment or agreement which would secure the adequate representation to minorities.

Q.—Please look at your Memorandum. I want to understand clearly why you want to do away with dyarchy ?

A.—We wish to do away with dyarchy absolutely.

Q.—You have been giving answers on the assumption that if such and such thing was done, you will be satisfied. Take for instance paragraph 23. First of all you say that provincial subjects should not ordinarily be subjects to legislation by the legislature of the Central Government. Is it on the assumption whether there is dyarchy or not ? Do you want this to be done in any case ?

A.—My answer is that whether the provincial autonomy is given at once or not, at least the rules should be so modified that this object may be secured.

Q.—Therefore, you want to secure this object whether you get provincial autonomy or whether the present system of dyarchy is to continue ?

A.—In view of the impression created on the Association by the terms of reference of the Committee, we had to put our alternative case.

(*Sir Muhammad Shafi*).—Q.—In the opening words of paragraph 18 you do not mention any alternative ?

A.—In paragraph 18, we say “Without prejudice to its conviction that the situation requires much larger measures than can be introduced.”

(*Sir Muhammad Shafi*).—Q.—I want you to carefully consider my question. What I want to understand is this. Do you mean to say that if these things were done A, B, C, D—we won’t mention them just now—then the dyarchy will work satisfactorily ?

A.—No, we do not say that.

(*Sir Muhammad Shafi*).—Q.—Then what do you suggest ?

A.—We suggest that in case the dyarchy is maintained, certain defects must be removed even then.

(*Sir Muhammad Shafi*).—Q.—Your principal is that half a loaf is better than no bread ?

A.—Certainly. It is just like an alternative relief-clause put in the plaint. If the court does not grant this relief then the other relief should be granted.

(*Sir Muhammad Shafi*)—Q.—I do not know what you call half a loaf. You have got several suggestions in paragraph 23. Supposing we were to concede to the first proposal, namely, provincial subjects should not ordinarily be subject to legislation by the Legislature of the Central Government, and nothing else, will that satisfy you ?

A.—We would practically throw away that concession ; make a present of that concession.

Q.—Take the second one, all subjects except agency subjects should be transferred to the control of Ministers, will that satisfy you ?

A.—No, that would not satisfy us.

Q.—Supposing I was conceded and II was conceded, with regard to all subjects except agency subjects, will that satisfy you ?

A.—It will not satisfy us.

Q.—Will you accept that ?

Q.—I want to examine this critically ; never mind your doctrines. I want you to follow me. You say all subjects except agency subjects should be transferred to the control of the Ministers. Would that be dyarchy ?

A.—The dyarchy would still be there.

Q.—Supposing all subjects were transferred except agency subjects, will that satisfy you ?

A.—That would not satisfy us because we do not want merely the subjects to be transferred, but we want some other things in connection with the transferring of the subjects, namely, that the Ministers should be made more free than what they are under the present constitution. The Ministers should be made responsible to the Legislature, the Governors should be constitutional Governors, and so on.

Q.—Then I take it that if all subjects were transferred, except agency subjects and further what you have suggested, it would not be dyarchy any more ?

A.—To some extent it will not be.

Q.—To what extent will it be dyarchy ?

A.—To this extent that full complete responsibility will not be given to us ; it will only be an administrative improvement, if I may use the word.

Q.—Supposing all subjects were transferred and we followed your other suggestions :—Subject to paragraph 18 (VIII) of this Memorandum, Governors in Council and Governors acting with Ministers should have full control over the Services serving under them ;

Restrictions as to previous sanction of the Governor-General for introducing legislation in the Provincial Legislature should be done away with ;

The character of non-votable items of the budget should be strictly defined and their extent should be reduced to the narrowest limits ;

The position of the Governor should be that of a constitutional Governor ;

Rules under section 49 should be so framed as to conform in every respect to the provisions of the Act and the report of the Joint Select Committee.

Will that be dyarchy ? If these suggestions I to VII are carried out, will that be dyarchy still ?

A.—Dyarchy in name might remain, but that would not be virtually dyarchy if all the subjects are transferred.

Q.—The subjects will be in charge of a Member of the Executive Council, there will then be only one Member of the Executive Council, which will be a Reserved Department. The rest will be transferred under these proposals of yours. Would you call that dyarchy ?

A.—There is no particular charm about the word dyarchy

Q.—Would it not be reducing the whole thing to an absurdity, to call that dyarchy ?

Q.—Then it comes to this, that if you wish to remove all the vices of dyarchy, you must reduce it to a ridiculous position according to your recommendations, namely, agency subjects will be in the hands of one man?

A.—I fully appreciate the position; that would be an absurd position to create, that is to say transferring all the subjects and keeping one subject which is of a trifling nature and treating it as a reserved subject.

Q.—Am I right in putting it to you that in order to remove the inherent vices of dyarchy, you must reduce the position to an absurdity?

A.—That is so.

Q.—There is one more point I want to make clear. You said the Governor should be a constitutional Governor. Is he not a constitutional Governor under the present Act?

A.—No. I do not think he is a constitutional Governor because, even in the transferred subjects, he is the master of the situation. Nothing can be done without the approval of the Governor. In the case of a constitutional Governor, his sanction will not be required, nor his approval.

Q.—Let us look at the sections of the Government of India Act. Section 45 (d) says—"For the transfer from among the provincial subjects of subjects (in this Act referred to as 'transferred subjects') to the administration of the Governor *acting with the Ministers appointed under this Act.*"

Now look at section 46. It says—".....in relation to transferred subjects.....by *the Governor acting with Ministers appointed under this Act.*"

Now turn to section 52 (3):—"In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which cases he may require action to be taken otherwise than in accordance with that advice.

Does not that give him the full power to turn down any proposals of his Ministers?

A.—That is so; that is what I meant to say just now, that the position of the Ministers was merely that of advisers, the final authority being vested in the Governor.

Q.—Therefore, it depends entirely upon the personality of the Governor as to what policies or measure your Ministers can put through the Legislature?

A.—It does.

Q.—Now with regard to the Central Government, I think you say that you want responsibility to be introduced except into the Defence, and foreign and political affairs, and I think you would like to exclude the Ruling Princes. Do you know section 33 of the Act?

A.—Yes.

Q.—Under section 33 the superintendence, direction and control of the civil as well as the military government of India is vested in the Governor-General in Council, who is required to due obedience to

Q.—If your suggestion is carried out, can that be done without amending the constitution, without amending the Act?

A.—No, it cannot.

(*Sir Muhammad Shafi*).—*Q.*—You are dealing with section 33. It says “Subject to the provisions of this Act and rules made thereunder,” etc. Will you look at section 19A.—“The Secretary of State in Council may, notwithstanding anything in this Act, by rule regulate and restrict the exercise of the powers of superintendence, direction and control.”

Q.—My question was with regard to the Central Government. Your proposal is that all the subjects should be transferred, that is to say should be in charge of Ministers responsible to the Legislature?

A.—That cannot be done.

(*Sir Henry Moncrieff-Smith*).—This is a matter for discussion among ourselves and not for a representative from the United Provinces. We should get a lawyer and not a representative of the United Provinces Liberal Association to answer these points.

(*Mr. Chairman*).—*Q.*—I was not attending; what is the position?

Mr. Jinnah.—My question was if the witness's suggestion was to be given effect to, if all the subjects are to be transferred except Army, etc., then it requires an amendment of the constitution.

Mr. Misra.—I have given my opinion that it cannot be done without amendment.

Q.—Then do you suggest the constitution should be amended if necessary?

A.—Certainly.

Q.—Have you considered this question of excluding the Army carefully?

A.—I have, so far as it lay in my humble power.

Q.—Have you any suggestions with regard to the future position of the Army, reorganisation of the Army or how the administration is to be conducted?

A.—I have only considered it so far that when we are advocating that the management of the Army should be excluded from the control of the Ministers proposed to be appointed in the Central Government, we do not mean to say that the Legislature should have nothing to say with regard to the administration of the Army. Even now, constituted as it is, resolutions are moved in the Legislative Assembly with regard to the constitution of the Army.

Q.—You have not made any definite suggestions in your Memorandum regarding the constitution of the Army?

A.—No, we have not made any definite suggestions with regard to the Army. My Association has considered only this position that, an attempt should be made so as to nationalise the Army within a definite period.

Q.—You say steps should be taken so as to enable the people of India to take over the defence within a certain period?

A.—Yes, because it is constantly said no self-governing country can allow its defence to remain in the hands of other people, so if self-

government is given to India, it must also have its army under its own control.

Q.—I think you said you are in favour of lowering the standard of the franchise ?

A.—I am.

Q.—Would you not rather leave it as it is at present ?

A.—If the Committee decides to leave it as at present, we would not mind.

Q.—You do not consider it a very important or a vital matter ?

A.—Not a vital matter from my point of view.

Q.—Then there were some questions put to you about the preamble. Now the preamble of an Act really is intended simply to give the object and the purpose of the Act ; it does not form part of the law. You know that—don't you ?

A.—I know that.

Q.—Barring the sentimental objection, is there any objection to saying that Parliament is to determine what advance should be ultimately granted ?

A.—The whole of Indian sentiment is against that part of the preamble which says that the ultimate judge of the time when a particular concession is to be granted is Parliament.

*Q.—A Judge never moves *suo moto*. I am not aware of any Court of Justice which moves *suo moto* except on rare occasions. Then any person who claims to be or constitutes himself as a Judge has got to be moved by some party or another ; and if Parliament is properly moved it entirely depends on us as to how far we can move Parliament ?*

A.—I can see that. If the Indians put their case with sufficient strength before the Government of India and the Government at Home, I think they will move Parliament to make concessions.

Q.—Well now, there is one other question about these Hindu-Moslem differences. You were asked whether the present system of government has not improved relations ?

A.—Not at all.

Q.—You think if there was provincial autonomy it would get worse ?

A.—I think it would get better because then a real attempt would be made to remove these differences. Then it would be the responsibility of the people and they would try their level best to improve the relations.

Q.—I put it to you—is this your experience, that probably the disputes between Hindus and Muhammadans are kept up because they look to a third party for a settlement ?

A.—To a certain extent that is true ; they do not feel that it is for them to settle their disputes.

Q.—Now in your Council is there any sign of hostility shown by the members—I mean the Muhammadan members against the Ministers because they are Hindus ?

A.—I do not think there was any hostility shown by the Muhammadan members because Ministers were Hindus. And even now when one of the Ministers happens to be a Muhammadan no hostility is shown towards him by the Hindu Members.

Q.—Are there any Muhammadans of your party who work with you ?

A.—There were two or three who promised to join our party but they were always afraid of associating with the Liberals because they thought that their prospects at a future election might be damaged.

(*Mr. Chairman*).—Q.—He has raised the very question I was going to ask. How many members of your Association are Muhammadans ? I forgot to ask you that before.

A.—Of the Association ? I think a very small percentage.

(*Mr. Chairman*).—Q.—Are there any ?

A.—I should say between 5 and 10 per cent.

Q.—I think you will agree with me that the position of the Liberal Party at present before the country is a very awkward one ?

A.—It is. We are neither this side nor the other. The country is in this position—that people must be either conservative or extremist. If you are in the middle, you are nowhere. To a great extent I think the treatment which has been given by the Government to us is really responsible for our downfall.

Q.—Now the two Ministers that were appointed by the Governor at the very commencement of the reformed Council were, I believe, Mr. Chintamani and Pandit Jagat Narayan ?

A.—Yes.

Q.—You have worked with them ?

A.—I have.

Q.—Have you known them for a long time ?

A.—Certainly for a very long time.

Q.—And when you entered the Council you had a fairly strong party of your own who were determined honestly, earnestly, to give a fair trial to the reforms—I mean your party ?

A.—We were earnestly determined to give a fair trial to the reforms.

Q.—And two of your Ministers, Mr. Chintamani and Pandit Jagat Narayan, were probably among the ablest men in your province ?

A.—I think so.

Q.—And eventually they both had to resign ?

(*Mr. Chairman*).—They both resigned.

A.—The Chairman's view is correct. They resigned. A situation was created in which they had to resign ; but as a matter of fact they themselves resigned.

Q.—They resigned because they could not get on ?

A.—Yes, that was so.

Q.—Not because other engagements required their presence elsewhere ?

(*Mr. Chairman*).—That is a very different thing from being dismissed.

(*Sir Arthur Froom*).—Perhaps they could not get on with each other.

Q.—I don't want the details. I want a plain statement. You know this as a fact—that both of them resigned because they could not get on with the Government ?

A—Yes. They did not resign because they could not get on with each other. Rather one resigned and the other followed him.

(*Mr. Chairman*).—*Q.*—Just one question before you go. You said with regard to something which fell from Mr. Jinnah that the position of the Minister was that of an adviser vis-a-vis the Governor. You are aware of Instruction No. 6 to Governors which runs as follows :—

“ In considering the Ministers advice..... he will have due regard to his relations with the Legislative Council and to the wishes of the people or the Presidency as expressed by their representatives there.”

You are aware of that ?

A—Yes.

Q—And even after that you still maintain your position ?

A—I do maintain my position

(*Mr. Chairman*).—*Q*—Mr. Kunzru, I have been looking through the results of the elections in the United Provinces and I see in the Muzaffarnagar district which you represented in the first election there were 16 candidates and there was nothing like it anywhere else in the Province. Can you explain why ?

A.—A second election took place after the election of Lala Sukhbir Singh to the Council of State. After that a large number of candidates sprang up

Q—There was no particular reason ?

A.—There was no particular reason.

Q.—Are you a zamindar in the district ?

A.—I own some property in the Muttra district, not in the Muzaffarnagar district.

(*Sir Muhammad Shafi*).—*Q*.—Mr. Kunzru, I would like to ask you one question. Has the standard of education in Aligarh, Lucknow, Benares, and at the reconstituted University at Allahabad, in any way gone down as compared with the standard of education in the old Universities ?

A.—I don't think so and I speak of the Allahabad and Benares Universities from personal knowledge. May I add one statement—that in the present Council the Muhammadan Party is not working on communal lines. I mention this because some questions were put with regard to racial feeling in the Council and the working of parties on racial lines.

Thursday, the 14th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Lala Harkishan Lal, ex-Minister, Punjab.

EXAMINED BY THE CHAIRMAN.

Q.—You were a member of the first reformed Council of the Punjab ?

A.—I was a member of that Council

Q.—And you were a Minister also ?

A.—Yes.

Q.—How long did you hold office ?

A.—Thirty-four months, less 3 days.

Q.—What Departments were you in charge ?

A.—I was in charge of Agriculture, Industries, Excise, Libraries and Museums, Public Works, Weights and Measures, part of Electricity, Co-operation, Fisheries and Civil Veterinary.

Q.—Who was your colleague in the Ministry during your period of office ?

A.—Mian Fazal-i-Hussain

Q.—There was only one other Minister and he was a Muhammadan gentleman ?

A.—Yes.

Q.—Would you look at paragraph 2 of your memorandum ? The effect of paragraph 2, as I understand it, is that one Minister, the Muhammadan Minister, carried the whole position as representing the majority of the Council. Is that your point ?

A.—Well, he was more influential in the Council, but I do not say that he carried the whole position. I do not understand what is meant by “the whole position”.

Q.—He had more influence owing to the fact that he had more votes on his side ?

A.—Yes.

Q.—From the constitution of the Punjab Council I see that there are 20 non-Muhammadans, 32 Muhammadans and 12 Sikhs ?

A.—Yes.

Q.—Special seats, 4 landholders. How were those seats held ?

A.—Landholders are again sub-divided into 2 Muhammadans, 1 Hindu and 1 Sikh.

Q.—Who was the University candidate ?

A.—He was a Hindu.

Q.—And Commerce and Industry had 2 ?

A.—Only one. Commerce and Industry had one seat and the Delhi

Q.—So, if you count the seats in that way, the Muhammadans had a majority ? If you take non-Muhammadan votes together, it was equivalent to Muhammadan votes ?

A.—Roughly, yes.

Q.—Am I right in thinking that one of the greatest difficulties in the Punjab is this communal question ?

A.—Yes, that is one of the great difficulties on the popular side.

Q.—Even in Council, decisions were made on practically communal lines ?

A.—More or less they did.

Q.—Do you think that is a great obstacle to further advance ?

A.—That is so.

Q.—Can you suggest any way in which it can be met ?

A.—The only way that I can suggest is to do away with the evil. I think communal representation is an evil, and it ought to be done away with.

Q.—What would be the effect of that in the Punjab ?

A.—The effect would be that people would think more of the province than of the communities and would work more in the interests of the whole rather than of the parts.

Q.—Don't you think that you would get a Council on the same lines if you abolish these electorates ?

A.—Not exactly in the same proportion. The numbers will vary somewhat ; sometimes in favour of Muhammadans, sometimes in favour of Hindus, and sometimes in favour of Sikhs.

Q.—The total population of the Punjab is 55 per cent. Muhammadan ?

A.—Yes.

Q.—And the actual representation now provided by this communal representation is rather less than that ?

A.—It is a fraction less*.

Q.—It is 45 to 55 ?

A.—Yes, you may be correct.

Q.—And you don't think that if you had general electorates, the majority will make their voice felt ? That you will get a majority of Muhammadans ?

A.—Possibly sometimes, but not always.

Q.—And you think that the abolition of communal electorates will do something to bring the people together ?

A.—I think that the municipal questions, political questions and social questions will receive more attention and will be better dealt with than mere communal questions.

*Since added by the witness :—

I have been since informed that the present proportions are :

Muhammadans ..	..	..	..	51
Hindus ..	..	..	..	37
Sikhks ..	..	..	..	12

Q.—You are very familiar of course with the Punjab. How do you think your suggestion will be received by the Muhammadans in the Punjab?

A.—Some of the Muhammadans won't like it to begin with, but we have to remember that they are in the majority, and they should not claim the privileges of the minority there. The trend of the Muhammadan mind in the Punjab seems to be as if they were a doomed minority even when they are in a majority.

Q.—You don't agree with that?

A.—I don't agree with that at all.

Q.—You are not afraid of their getting more representation?

A.—Even if they did, I don't think that would matter very much.

Q.—You would not mind if they got all the seats?

A.—I do not mind; and we did not even when they were the rulers of the Punjab.

Q.—Would you like them rulers again?

A.—I don't mind that at all.

Q.—You say in paragraph 4 of your memorandum "The law as it stands provides no Cabinet Government". I do not quite understand what you mean by that. Of course it does not provide any Cabinet Government in the sense of responsible government. There are two halves of the Government?

A.—Yes.

Q.—When you say that there is no Cabinet Government, you mean that the law makes no provision for joint consultation?

A.—The law, and to a very large extent, practice; both.

Q.—There is nothing in the law which prevents joint consultation?

A.—There is a great deal absent in the law. It makes no provision. Law is after all a restrictive measure. Lots of things are however done over and above law. But there is no Cabinet Government and the whole thing rests with the Governor, and unfortunately the Governors are in this matter led by the letter of the law.

Q.—My question was this. The Government of India Act, as it stands, contains no provision prohibiting joint consultation?

A.—It does not.

Q.—The Joint Committee report inculcated joint consultation?

A.—It said something about it.

Q.—It strongly advised it?

A.—The words may be interpreted in any way.

Q.—Certainly it did not discourage it?

A.—It did not discourage it.

Q.—What joint consultation actually took place in your province?

A.—Sometimes we did meet for a trifle, sometimes for important matters, but there was no regular policy of Cabinet joint consultation.

Q.—You consulted, of course, your brother Minister?

A.—No, I did not.

stood on his own. Whenever I protested to the Governor that we ought to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him, but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

Q.—You were in thorough sympathy with your brother Minister?

A.—I had sympathy with his social life.

Q.—With his political views?

A.—No. To some of his political views I objected very strongly.

Q.—You would have found it rather difficult to have had joint consultation with him?

A.—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throat or fell at each other's neck.

Q.—I am not suggesting that

A.—We would have discussed matters in a friendly way and put our views before the Governor; sometimes one would have won and sometimes the other.

Q.—But you have not that feeling which must exist in an English Cabinet, that the policy of the one is the policy of the whole and that when you cannot agree with the policy, you go

A.—I have heard that. I have never been in the Cabinet myself, but I have heard that that is the fact.

Q.—If that were the general position, could you have held office with your colleague?

A.—Very likely not if it was likely that the Governor always sided with him, because, then, I would certainly have resigned.

Q.—My question is this. Assuming that you were both members of the Cabinet and assuming that the statement I have made as to the relations between them in the Cabinet prevailed, could you and your brother colleague sit in the same Cabinet?

A.—Well, if the point then arose in this way certainly we would have parted company.

Q.—I do not quite understand your statement in paragraph 5 that "the Governor is solely responsible for the Services". What do you mean by that?

A.—Well, his letters of instruction chiefly laid down that he is to look after the services and practically the whole power rested with him.

Q.—May I read to you the Instructions on the point? "To safeguard all members of our Services employed in the said Presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard, and that due obedience is paid to all just and reasonable orders and diligence shown in their execution." That is the actual paragraph. Do you object to that?

A.—I do not really object to the whole but unless Ministers really have some power over the services, they cannot carry on.

Q.—Would you not allow the Governor any power of safeguard?

Q.—It does not go beyond saying that he should see that they are being treated justly ?

A.—So far as these words may go, but as a matter of fact, appointments, transfers, promotions, leaves, all were in his hands and as a matter of fact sometimes an appointment was made in my departments without my knowledge, without my concurrence, and without any enquiry from me. In one case the man thus appointed never even called on me. I came to have knowledge about him from some signatures that appeared on the papers submitted to me.

Q.—What I am now on is the question of protection of the services. I shall come to the administration side in a minute. I ask you whether you object to these powers in the Instructions ?

A.—I should think that the Ministers will protect the services as much as anybody else.

Q.—You think they are unnecessary ?

A.—Yes.

Q.—You say in paragraph 6 of your memorandum, “In financial matters the transferred subjects are entirely at the mercy of the Finance Member, and of the Finance Secretary or the Finance Clerk.” Financial powers in regard to your Government come in two ways. First of all, there is the allocation between the transferred and the reserved subjects. Have you any complaint about that ?

A.—It was never done.

Q.—You have no complaint then ?

A.—Allocation was never made.

Q.—It must have been done ?

A.—No allocation between the two sections. The revenues divided into two parts—that was never done.

Q.—There was no separate purse ?

A.—The joint purse was not partitioned.

Q.—But did you have any trouble in settling between yourselves how much money was to go to the reserved side and how much to the transferred side ?

A.—A great deal.

Q.—How was it decided ?

A.—It was always decided against the transferred departments and we never really sat down to do any allocation. There was never really any occasion to divide the two purses or really to get some money. Once, i.e., last budget of my time they told us that we will get so much money, and when they were allocated to our heads of departments, without any further discussion of our knowledge it was removed and taken away.

Q.—Under rule 31 the allocation is a matter of agreement ?

A.—The allocation may be a matter of agreement or a matter of settlement by the Governor.

Q.—Did you dispose of it by agreement or did the Governor settle it ?

Q.—You knew the rule ?

A.—We never got any money specifically so much for your department, so much for another man's department, so much for another man's department—we never got to that.

Q.—May I read the rule to you ? “Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects.”

A.—It never came to that. We never read that rule.

Q.—You never used it ?

A.—We did not know that there was any such thing.

Q.—You were never aware of that rule ?

A.—From my studies I was aware of it, but not as a Minister. It never came really to be exercised.

Q.—Surely you could have drawn attention of the Governor to that rule ?

A.—I did draw his attention on much smaller matters and was not always helped. When I found that the smaller matters could not go through I could not go for the bigger ones.

Q.—I should have thought that the bigger matter is a thing you could have made a fuss over ?

A.—Next time I will take that advice. We never sat down together in which it was said, “We want so much money for the Police, so much for the jails, so much for industries, and so on.” We never came to that.

Q.—Why did you not come to that ?

A.—Well, because we found that there was nothing going.

Q.—There was no money ?

A.—There was money sometimes ; no money at other times, and as a matter of fact, when we sent up small proposals they were turned down and there was an end of the matter.

Q.—What kind of small proposals ?

A.—For example, a man wanted to go in the Public Works Department on leave and study Cement Construction.

Q.—Not financial ?

A.—It is financial, and I had to find him £60 or 70 only to study cement in England. It was turned down.

Q.—On what ground ?

A.—On the ground that it will not be useful.

Q.—You had to refer to the Finance Department ?

A.—Yes.

Q.—And they said that the rules did not allow it ?

A.—They said that it was not useful, and they thought that the Minister was wrong in his opinion. Not only once, but many times

clerk put down a note that this was not a useful project, we were faced with this advice of the Finance Department. Sometimes the Finance Department actually claimed that they were in a position to advise us. We were the advisers of the Governor and they were our advisers.

Q.—But you were aware that the Finance Department had no powers under the rule?

A.—All I could do was to send up the case to the Governor and I actually did it in some cases, and the clerks in the Finance Department said that I had started crying.

Q.—That did not deter you from going on I am sure with your opposition?

A.—I did send up papers when they came to me to the Governor. Sometimes he thought he should help me, and sometimes he said no.

Q.—Generally he supported you?

A.—I did not say generally.

Q.—He did not generally support you?

A.—Sometimes he did the one and sometimes the other. I have not taken an average.

Q.—On the whole you can form a general impression on a thing like that?

A.—I think that sometimes of course he did support me and sometimes he did not.

Q.—You cannot take it further than that?

A.—No.

Q.—You are perfectly aware, when you say that the Finance Department had the power, they could not overrule you, but if you could be overruled it was not by the Finance Department?

A.—Well, it was by the Finance Department in the sense that they claimed and we all took it that their word was the last word. Sometimes I appealed and petitioned the Governor sometimes with effect and sometimes with no effect.

Q.—It is not a question of petitioning. It is a question of asserting your right?

A.—I actually used these words in one case.

Q.—Then you agree with me as to the position—I am not talking as to the effect of what happened. I am trying to get at the position.

A.—That was the position in which we worked. I have explained that, that the Finance Department overruled us in many ways, at any rate overruled me.

Q.—Would you favour a separate purse as a remedy for that?

A.—I would prefer only one Cabinet. There is no question of separate purses for the two sections. I want a joint and one Government.

Q.—It must be a unitary Government?

A.—Yes.

Q.—And therefore a separate purse will be of no use to you?

A.—No.

Q.—Paragraph 7 of your note is rather curious. You say, “Influence in the Council has been seen in proportion to the ‘patronage’ that any member of the Government could put on his side.” When you say a

member of the Government you mean the Minister or a Member of the Government ?

A—I mean both. That is the word used in the Act, ‘member of Government’.

Q.—What class of patronage do you refer to ?

A—Patronage of appointments, patronage of being appointed honorary magistrates, patronage of getting water concessions, all sorts of things you know which the Government has the power to do.

(*Sir Muhammad Shafi*).—*Q*.—Titles ?

A.—Titles also. I do not complain about titles as Mr Kelkar did. I got titles for some of my friends

Q.—You had no difficulty about the honours question ?

A—Well, I had no difficulty

Q.—You got your recommendations through ?

A.—My Secretary consulted me and I suggested some names to him and they were got through.

Q.—When you speak about the influence in the Council of a service member, do you think that he got any vote by his appointment of honorary magistrates ?

A.—The Irrigation Department had a great deal more influence than the Public Works Department and Roads Department.

Q.—Do you think they used their official powers ?

A—Sometimes they did.

Q.—You did yourself ?

A—I could not because I was always in a minority and never thought that I could command any majority, and I had only roads to make and nothing else.

Q.—If you had had any influence you would not have used it ?

A.—From point of view of higher politics it would have been very bad to use that.

Q.—But as a man of the world do you regard the use of that as legitimate or not ?

A.—People would not give their votes in my favour if I had the influence without my first using the influence. That is the position.

Q.—But you would have used it if you had the influence ?

A.—If I had the influence, in some way it might have been used.

Q.—I should like to have that point clear that the Government on the transferred and reserved sides used their influence in this way. Has there been any deliberate attempt at appointments with the object of influencing votes in the Council ?

A.—I did not say appointments. I did not mention appointments, but still the expectation of appointments also would have acted and did act, but I did not say exactly appointments were made to get votes. But I do know that promises were held out of titles.

Q.—You would not say that there was a prostitution of appointments ?

A.—I think it is the barter stage. It is not really the stage of selling for so much money. It is barter. You do sometimes favour to me and I will do some times to you without putting any actual value on the two sides.

Q.—It is an exchange ?

A.—Exchange of commodities.

Q.—You object to the position of the Chief Secretary ?

A.—I do.

Q.—On what ground ?

A.—On the ground that he is neither responsible nor irresponsible. Still he is the fifth Member.

Q.—I think he works with a Member just as any other Secretary ?

A.—He works generally only with the Governor.

Q.—The Governor is his member ?

A.—The Governor may be said to be his member or he may be himself a member going to the Governor, in the same way as the other members did.

Q.—He did not vote in the Executive Council ?

A.—No.

Q.—Nor at your joint meetings ?

A.—No. If there was a Cabinet meeting and if he was present he simply took down orders. He did not vote.

Q.—Then you can hardly say that he was a member of Government more powerful than any of the others ?

A.—At the time of writing my notes, I was not thinking of the Cabinet meetings which I said were practically very few. I was thinking of the actual power in some departments he had. In certain departments, for example, the appointments, the Chief Secretary practically had the whole thing in his hands.

Q.—Do you say that because of his experience and knowledge as a permanent official or is it due to any other reason ?

A.—Experience and knowledge is a thing that I have not understood from my experience of the Secretariat, because we had about 5 or 6 Chief Secretaries during the time I was there. The experience as such would be very limited, if there was any.

Q.—Then he must be a powerful official to have a predominating influence ?

A.—When a man comes in and he finds that he has the power he uses it. He has experience of the use of power.

Q.—You say that there had been 5 or 6 changes of appointments. Then it is very creditable to have attained a predominant position in a short time ?

A.—The predominant position did not come from his personality. It came because that was the fashion and he had all the papers of a certain department and he used them.

Q.—He disposed them of under the orders of his member, the Governor ?

A.—A few papers he might have taken into one of the members pos-

Q.—In substance your complaint is this that he had too much power ?

A.—That is my complaint.

Q.—There is no personal complaint ?

A.—No personal complaint at all ; they were all my friends and I should like to keep friendly with them now.

Q.—In paragraph 10 you say that the Secretaries have enjoyed under the rules pre-audience of the Governor. What do you mean by pre-audience ?

A.—We had fixed days for seeing the Governor. The Secretary went first and the Minister went afterwards.

Q.—You do not like that ?

A.—I do not like the Secretary to go to the Governor at all.

Q.—You would like to take all your cases yourself ?

A.—I should like to take the whole responsibility.

Q.—Would you allow the Secretary on the reserved side to go to the Governor ?

A.—On both sides I would not allow the Secretary to go to the Governor if my opinion were asked.

Q.—Then there would be a great deal of work for the member ?

A.—I do not think so.

Q.—The practice seems to be that cases are taken by the Secretary in the same way as the member would do. You do not like that anyway ?

A.—I do not know what the practice of the Government of India is, but in the Punjab the practice was like this. A file was waiting on my table. The Secretary was instructing the Governor. Then I took the file and the Governor knew all about it and he had formed an opinion before I took the papers to him.

Q.—His knowing all about the case would be an advantage. What is your objection to it ?

A.—I do not know whether it would be an advantage or a disadvantage. It all depends on the way how it is put to him.

Q.—I quite agree that if he had formed an opinion it would prejudice your case, but if he knew the facts it would be a great advantage ; and it would tend to save much of your time.

A.—I do not know that we were so much pressed for time that we could not really explain cases.

Q.—You would have preferred to have done it yourself ?

A.—I should think so, if I was responsible for the thing.

Q.—You say in paragraph 10 that the Under Secretary system of England might improve matters. What do you understand by the Under Secretary system ?

A.—I understand two things. One is that they are men of experience as they stayed in the office for a long time, and secondly that they are members' secretaries.

Q.—You mean the Permanent Under Secretary and not the Parlia-

A.—Yes, I mean the Permanent Under Secretary and not the Parliamentary Under Secretary. They are useful to the members in giving information at least with regard to the history of the cases. But so far as my experience went in the Punjab in one section of my department 5 were changed in 34 months. You can easily understand this. This was apart from the Chief Secretary in another department. You can see how much help they would have given me. They were as new, if not newer, than I was to the cases.

Q.—You found as a matter of fact that you got no assistance from them ?

A.—I got no assistance.

Q.—It was not due to men but to the change ?

A.—The men were excellent ; I do not object to the men.

Q.—What is the other point about Under Secretaries ?

A.—The other is duplication and triplication of notes. The clerk or the Superintendent wrote the note first. Then it came to an Under Secretary of some kind who wrote a note. Then the Secretary wrote a note and then it came to the Minister.

Q.—And then you wrote a note ?

A.—No ! the Minister had to read 3 notes, and found that the first note was really the best.

Q.—But surely it was a matter within your discretion to say that you did not want any noting except the clerk's note ?

A.—Then the appointments would not be justified. They must do something.

Q.—You think it would be sufficient for a Minister to have a clerical establishment and no superior staff ?

A.—No, I do not say that. I go up to the point of a permanent Under Secretary. He would not be a mere clerk. He would be an experienced man and he would note on the history of the cases, including the policy of the former Ministers, or the preceding Minister or of the Governor, and he will be able to enlighten the Minister on all such points.

Q.—That is all you want ?

A.—That is all I would want if I was there again.

Q.—In paragraph 13 one of your objections to the present distribution of constituencies is that they are very large.

A.—That is so ; constituencies are very big ones.

Q.—Have you considered whether the Punjab as a whole is not too big ?

A.—It is too big and it has been made bigger by communal distribution. The maximum is Muhammadans 32 or 30. The Punjab is to be divided into 32 parts for them. Then for the Hindus it is divided into bigger parts, i.e., in 20 and for the Sikhs it is divided into still bigger parts in the form of 12 sections. If all were combined, the whole thing will be divided into 78 compartments. That would certainly be an advantage for canvassing and it would be an advantage for personal touch.

Q.—Could you tell me whether the Punjab is so arranged that certain parts are inhabited by Sikhs, certain parts by Muhammadans and certain other parts by Hindus?

A.—More or less there seems to be concentration of population in one district consisting of more people of one community than another.

Q.—What about territorial division for Muhammadans?

A.—The province is divided on the territorial basis. But sometimes where the population is small the area is big and the result is that members have to canvass two men in one village and 3 men in another village, 10 miles away and perhaps 50 miles away he has to go and see a few friends. That makes the case worse.

Q.—It makes canvassing rather difficult?

A.—It makes canvassing very difficult.

Q.—What constituency did you represent?

A.—I represented commerce and trade.

Q.—It was easy for canvassing?

A.—Yes, it was easy.

Q.—Why do you say, Mr Harkisham Lal, that provincial representation looks like communal representation in the central councils?

A.—So far as I have been reading the newspapers, I never heard that Madrassas or Punjabees or United Provinces men as such held a meeting to put the views of Madras or the Punjab or the United Provinces on a particular question. So far as the Punjab is concerned, generally it seemed to me that as Punjabees they never met and as Punjabees they never voted together; as Punjabees they never had a policy or had an idea or a scheme.

Q.—Has it ever occurred to you that a province might suitably be represented in the Imperial Council not by direct election but by election by the provincial council so as to ensure that the representatives in the central council represent the majority in the local council? That is my point.

A.—That would be one way and a much easier way. But that would be against the popular idea of Europe which we are following and imitating in every respect.

Q.—Do you follow or imitate those ideas in every respect?

A.—I believe in the newest machinery; in the newest and the latest machinery both in politics and in industries.

(*Mr. M. A. Jinnah*).—*Q*.—We had that system during the Minto-Morley Reforms and that was given up by the new Act.

A.—Quite so.

Q.—Sometimes you go back on that?

A.—I think the Government of India has been going back a great deal sometimes. I do not know about others.

Q.—You are not personally going back?

A.—No.

Q.—In paragraph 15 you suggest that Railways should be provincial. I do not quite follow that.

A.—No I do not say exactly the whole thing should be provincial now. Perhaps it is not possible. But certain sections or certain departments of the railway should certainly be provincialised, for example the traffic.

Q.—The traffic staff or the actual traffic ?

A.—The traffic staff in a way, the traffic arrangements, the traffic complaints and the traffic requirements of the province and so forth. It may not be quite possible to provincialise railways because railways run through several provinces generally—one system; but if it could really be divided into provincial compartments, that would certainly be a good thing.

Q.—Do you mean more than this that local complaints should be attended to locally ?

A.—Yes, there is no other way.

Q.—Do you mean more than that ?

A.—I mean more than that certainly. If certain departments of the railway know that they are under the local responsible government their whole tenor and behaviour would be different.

Q.—It would be rather difficult, won't it, to have double control over one staff ?

A.—Well, I think that may be tried as a dyarchy.

Q.—Are you in favour of dyarchy ?

A.—I am against dyarchy. It may however be tried in railways.

Q.—About income-tax, do you think it should be collected by local officials ?

A.—Income-tax, so far as the department goes, not the actual incidence of the tax, ought to be left to the local government.

Q.—They should collect the money for you ?

A.—Yes.

Q.—You do not like the new imperial income tax arrangement ?

A.—Collecting money implies supervision of the staff and the appointment of the staff. It does imply that. That is one way of looking at it. Another way is that this division of revenues into separate sections would create trouble, because I have heard in the Punjab council people saying that the townspeople don't pay anything and the whole revenue is paid by the agriculturist; because when he looks at the budget, he does not find anything really substantial, excepting excise perhaps, being paid by the townspeople.

Q.—You pay income-tax but it does not appear in the accounts ?

A.—No.

Q.—I want to know whether you object to this arrangement which has been regarded as a reform that the income-tax staff should be a central staff and there should no longer be an agency for collecting it ?

A.—But I do not think that much improvement has been made as yet by the central staff.

Q.—You object to the central staff ?

A.—I object.

Q.—In paragraph 16 you refer to special privileges enjoyed by the Civil Service. What are the special privileges ?

A.—The special privilege to begin with is that they are entitled to be Governors, that they are entitled to be Members of Council.

Q.—Not entitled. They may be appointed Governors ?

A.—I think they say that they are entitled. The practice seems to be so.

Q.—Can you give me any such instance in the case of the Governors of the Bombay, Madras or Bengal Presidencies ?

A.—Everybody knows that those three appointments have for a long time been filled from outside. I am talking more or less with reference to the provinces like my own.

Q.—There is no special qualification as regards the Civilian but such special qualification is common to the members of the other services of the Crown ?

A.—So far as that goes, the words used are that they must have been for so many years in the public service. I do not know whether anybody has ever acted on that law.

Q.—Do you remember Sir Thomas Holland ?

A.—I do remember him.

Q.—He was not a Civilian ?

A.—He was a geologist.

Q.—Then he was appointed under that clause ?

A.—Yes, and he had to go.

Q.—May I give you another instance in the Government of India ? You know the Honourable Sir Bhupendranath Mitra ?

A.—I do not know him.

Q.—He is not a Civilian ?

A.—No.

Q.—He is a Member of the Viceroy's Executive Council ?

A.—Yes.

Q.—He was also appointed under that clause ?

A.—Very likely that is the reason. But there is something else also and that is that an Indian had to get in. So far as he is concerned there was not one thing only but there were two things. In this case an Indian had to be found in the service.

Q.—But I am only contesting your suggestion that these high posts are the special privilege of the Civilians ?

A.—But these forced exceptions do really prove the rule. I say that the Honourable Sir Bhupendranath Mitra is a forced exception and not a willing exception. That is how I would interpret it.

Q.—You will not still agree with me that the appointments such as of Governors and Members of the Executive Council are not reserved for the Civilians only.

A.—Technically they are not reserved. But so far as the Civil Service cadre is concerned the position is quite different. I think there is some provision to that effect in Schedule III. I shall just find out whether that schedule gives some privileges to them or not.

Q.—Would you show me anything in the Schedule with reference to the Governors or the Executive Councillors ? You can take it from me that there is no reference there to a Governor or a Member of the Executive Council ?

A.—Certainly I will take it from you.

Q—With regard to paragraph 17, I suppose you are aware that resolutions in the House of Commons are mere recommendations ?

A—Yes, but they are recommendations to people who are removable.

Q.—That is exactly the point. Therefore a recommendation to a Minister is exactly on the same footing. A resolution on the transferred side is exactly on the same footing as a resolution in the House of Commons, that is to say, if the Minister fails to carry it out or is defeated over an important resolution, he has to go ?

A.—The analogy is not quite correct because the analogy of the Members and the Ministers in India is not the same as in England.

Q—In regard to the transferred subjects the analogy is complete ?

A—The analogy is not quite complete even there because the local Government is not defined as a Minister. The local Government is defined as a Minister and the Governor. The Minister as such has no power to carry out a resolution because our resolutions more or less have to be carried out by the local Government and the local Government is the Governor. As a matter of fact, I know that some resolutions could not be carried out after they had been passed, though the Minister might have been the most willing individuality to carry them out.

Q—You mean to say important resolutions ?

A.—The Council considers all the resolutions important when it passes them.

Q—Did the Minister also consider them important ?

A.—On the contrary the Minister was responsible for their policy but he could not carry them out. There have been cases of that kind.

Q.—In that case the remedy is for the Minister to resign ?

A.—The Minister did resign. As a matter of fact you may know that I resigned three times. So I applied that remedy several times but it was unfortunately ineffective.

Q—Your resignation was inoperative ?

A.—It was not accepted

Sir Muhammad Shafi.—*Q*.—There is a non-Muslim majority in the Punjab Legislative Council taken as a whole ?

A—Yes if you take the official bloc also into consideration.

Q.—You have said in paragraph 5 of your Memorandum that there have been at times as many as five local Governments in the province of the Punjab. Will you kindly explain what you mean by that ?

A.—Four Members and the fifth, Chief Secretary.

(*Mr. Chairman*).—*Q*—You do not include the Governor ?

A.—The Governor is above criticism like the King

Q.—You said in reply to the Chairman that the real solution of the existing unfortunate position in the Punjab is that communal representation should be put an end to because it is unequal ?

A.—Yes, I said that.

Q.—Let me take you back a certain number of years. You will remember that in 1909 when the Morley-Minto Reforms were introduced there were five electorates for the Punjab Legislative Council ?

A.—I do not remember, but very likely you are right.

Q.—Because to my knowledge you played a very important part in those elections. Therefore I am going to remind you. There were 5 elected members in the Punjab Council returned by the three groups known as Eastern Municipal, Central Municipal and the Western Municipal, the University and the Commerce ?

A.—Very likely there were five.

Q.—And there were all mixed electorates ?

A.—If they were municipal groups, then they were certainly mixed.

Q.—Do you remember that on the day of the nomination of candidates in the first instance in all these three municipal groups a number of Muhammadan as well as a number of Hindu candidates were nominated ?

A.—I do not remember that but I think you are very likely right.

Q.—At any rate, do you remember that on the final day of election each of these three constituencies all Hindu candidates except one and every Muhammadan candidate withdrew except one and therefore the final contest was between a single Hindu and a single Muhammadan candidate in each constituency ?

A.—I do not remember it but that is very likely true.

Q.—Let me remind you of something else. You will remember that the final counting took place in the Lawrence Hall and you were present there ?

A.—Yes

Q.—Do you remember now that in each constituency the contest was between a single Hindu and a single Muhammadan ?

A.—I do not remember that. But I remember that I was there and I also remember the part that the Chief Secretary played

Q.—Do you remember that the Punjab Hindu Sabha in every one of those three constituencies took up its Hindu candidate and the Punjab Muslim League took up its Muhammadan candidate ?

A.—I do not remember that because I was a member of neither. I do not remember the details at all of that contest.

Q.—Don't you consider that on the final polling day the contest really became a contest between the two communities and not the two individuals ?

A.—No I do not think so, because so far as I am concerned I was very strenuously opposed by Mr. (now Sir) Shadi Lal all the time and Sir Shadi Lal and I have the same religion.

Q.—But you were not a candidate at all ?

A.—Was not I a candidate ? Don't you remember that I had to appeal.

Q.—Not in the three municipal electorates ?

A.—You have also mentioned the University. I was a candidate from the University and as you know University is also a mixed electorate.

Q.—Excuse me, you were not a candidate from the University in the 1909 election ?

A.—In the 1909 election I was a candidate from the University for the Local Council and I was further a candidate or was supposed to be a candidate for the Imperial Council.

Q.—I am not speaking of the Imperial Council ; I am speaking of the Punjab Council. Let me remind you that from the University election for the Punjab Council you were not a candidate and Sir Shadi Lal was the only candidate ?

A.—I was a candidate and I did not withdraw. The Registrar gave a decision against me. I appealed ; and we both Hindus had a good contest.

Q.—Are you speaking of 1912 or 1909 ?

A.—I am speaking of 1909, Sir. The fact of the matter is that partly your memory is correct and partly my memory is correct. So far as the University is concerned my memory is correct and so far as the municipal groups are concerned very likely your memory is correct.

Q.—Let us put aside the University for the present. My questions are with regard to the three municipal groups. There you admit that in the end there was a contest between a single Hindu candidate and a single Muhammadan candidate ?

A.—I do not admit anything because I do not remember.

Q.—But you said probably this was so ?

A.—If this is an admission in law, than certainly I admitted it.

Q.—Is it your opinion that mixed electorates furnish periodically recurring causes of friction between the two communities and therefore are injurious to the cause of Hindu-Muslim unity ?

A.—I do not think any very strong friction has ever been created. It may have been on occasions. But the Hindus and the Muhammadans as such have never felt that they are opposed to each other.

Q.—In the constitution of the Punjab University there is such a thing as a graduates electorate. Is not that a mixed electorate ?

A.—Yes ; it is a mixed electorate

Q.—How long has that electorate been in existence ?

A.—I should think about 12 to 14 years

Q.—*Sir Muhammad Shafi (in the Chair).*—May I ask, as far as you know during these 12 years has a single Muhammadan been elected by the graduates to the electorate of the Senate of the Punjab University ?

A.—So far as I know hardly any Muhammadan candidate offered himself.

Q.—What do you think is the reason of that ?

A.—They thought they could not command the respect and the influence necessary.

Q.—Is it or is it not a fact that the overwhelming majority of voters in the electorate are Hindus ?

A.—Certainly.

Q.—In your opinion the present Hindu-Muhammadan situation in the Punjab is due only to this *Shudhi* movement and nothing else ?

A.—Let us understand what the situation is. Many people generalise too quickly, and I might, apart from the evidence, mention this, that in London some Members of Parliament were under a wrong impression, and I asked them to reckon up the incidents they had heard of within the last four or five years. The whole of India did not produce, according to their information, more than five incidents in five years so the generalization from that was too much. So if you define what you mean by the situation in the Punjab, I am quite prepared to answer the question.

Q.—Do you think that what is known as the *Shudhi* movement has accentuated the bitterness between the two communities ?

A.—In a few sections it might have done, but not with the general populace. I do not think they are even cognisant of what is happening in the newspapers. Most of the things happen in the newspapers now, not actually.

(At this stage Sir Alexander Muddiman returned to the Chair)

Q.—As compared with 20 years ago is there not a large number of newspapers in the Punjab then was the case ?

A.—Certainly.

Q.—Is not the circulation of these papers larger than the circulation of the papers in existence 20 years ago ?

A.—Certainly.

Q.—Is it not a fact that even in remote villages where a newspaper reaches the village, that it is read in the *chowpals* by the literate people ?

A.—Sometimes it is.

Q.—You said in reply to the Chairman that the Government of India has been going back a great deal. Will you kindly give an instance ?

A.—I said sometimes it does

Q.—Will you give us an instance or two in which the Government of India has gone back ?

A.—That is rather difficult ; if I tried I might be able to do it.

Q.—Did you mean since the introduction of the Reforms ?

A.—I had not in mind any specific time, but I had the general impression. What I mean is that Europe is advancing towards democratic government and we sometimes do not go so far, and sometimes go back.

Q.—You mean that that was a general statement ?

A.—A general statement.

Q.—Not with reference to any particular things ?

A.—Those particular things I could give you later.

Q.—It was a general statement ; you did not mean for instance, to say that since the introduction of the Reforms Scheme, the Government

A.—I did not refer exclusively to that period, but that period might also be included.

Q.—Can you give me any definite instance in which, since the introduction of the Reform Scheme, the Government of India, as distinguished from other governments, the Imperial Government, His Majesty's Government has gone back ?

A.—When I look up the proceedings of the Government of India I will be able to give you an instance, I do not remember any just this minute.

Q.—You know that Sir Bhupendra Nath Mitra is only an officiating Member for a few months ?

A.—That is what I understand.

Q.—Have you looked at Schedule 3 of the Government of India Act ?

A.—I have got it before me.

Q.—There are two parts, one relating to the Government of India and the other to the Provincial Governments. Is there any appointment of importance in the Provinces which is not reserved for the Indian Civil Service ?

A.—All the appointments are reserved. In this question I agree with you certainly.

Mr. Jinnah.—*Q.*—A question was put to you just now, is the Government of India going backwards since the Reforms Act ? Is there much room for the Government of India to go more backward than it is at present ?

A.—In some respects not.

Q.—If it did, it would be positively unfair, would it not ?

A.—Very unfair.

Q.—I think you were a member of the Indian National Congress for many years ?

A.—Yes, up to 1920.

Q.—Were you present at Lucknow when the Congress Muslim League pact was arrived at ?

A.—Yes I was present there.

A.—And did you at that time think that the circumstances required that this pact should be arrived at ?

A.—Yes, that was the opinion of the majority there.

Q.—Whatever may be your individual opinion, you felt the expediency and the necessity of the circumstances as they existed required that that pact should be arrived at ?

A.—I was at one with the people who followed the policy of expediency.

Q.—And you know that that was one of the difficulties which really was effectually removed because of the pact ?

Q.—And you know that in the Joint Select Committee's report they accepted that ?

A.—Yes.

Q.—Well now I ask you,—I am not at present an advocate either of separate electorates or communal electorates—supposing the Muhammadans felt that still they would like to continue separate electorates, as a temporary measure, would you be opposed to it ?

A.—I would tell them that they were not getting or exercising responsible government. I may or may not be successful that is another matter, but my position is this, that responsible government is impossible with communal electorates

Q.—You think the general electorate is more in conformity with the democratic system of government which will give responsibility to the people ?

A.—To answer your question I interpret that to mean as to whether I will agree to the postponement of the coming of the day because the Muhammadans are opposed to general electorates. Reading your question in that light my opinion is that responsible government is impossible, especially in the Punjab, so long as communal representation remains,—and if you ask whether I will accept that or not, it amounts to say whether I will accept the postponement of the day. That is how I interpret the question.

Q.—I do not think that is quite the correct way to interpret my question. Do you say it is not possible for any country to attain responsible government if there are separate electorates ?

A.—You are asking me more than I know. Therefore I would not answer a question I do not know of. I do not know any other country where communal representation prevails and has got representative government.

Q.—Supposing it was so, we won't discuss history here, according to what you say it is not possible to get responsible government so long as there are separate electorates ?

A.—To exercise responsible government is what I had in mind ; to get is another matter.

Q.—Well to establish responsible government. Supposing you are wrong on that point and supposing I am right, that it is possible to establish responsible government notwithstanding separate electorates ?

A.—Out of respect to you I might agree

Q.—You said if there were general electorates, then you would not have so much communal friction in the Legislatures, did I understand you correctly ?

A.—Yes.

Q.—Not in your memorandum but in your answer to the Chairman I think you said that.

A.—So far as the Chairman is concerned he never used the word "friction". I never used the word "friction" either. It came from Sir Muhammad Shafi.

Q.—Very well, we will take it, it came from the Law Member. I may be wrong but anyhow that is what you said. Now supposing you had common electorates, would you get Muhammadans in the Legislatures as well as Hindus ?

A.—Yes.

Q.—Wouldn't the same state of things exist ?

A.—No, because the election would not be fought on that principle. The election will be fought on some principle which Hindus and Muhammadans will jointly put forward—two, three, four ideas, policies, programmes and so on, and therefore one programme having been accepted by Hindus and Muhammadans, in regard to that particular programme they will hold together. An illustration of that is the present running of the Congress. In the Congress, Swarajists and Non-co-operators are not divided as Hindus and Muhammadans : they are divided as Non-co-operators, as Swarajists and so on.

Q.—You say in spite of the separate electorates it may be that the group of Musulmans may have the same policy and programme as the Hindus have ; and they would contest their respective electorates on the same policy and programme ?

A.—That is quite possible.

Q.—Notwithstanding separate electorates ?

A.—They have not done it so far.

Q.—So far you have not had any policy or programme except to oppose the government. What policy did you stand for ?

A.—Appointments

Q.—Is that a policy or a programme ?

A.—At present it is understood to be both

Q.—Yes, but do you admit this or not—that if there was a responsible government in this country, notwithstanding separate electorates, you could form a party which will seek election from their respective electorates on a definite policy and programme ?

A.—It is conceivable.

Q.—Well now I want to ask you something. You have worked as a Minister ?

A.—Yes.

Q.—And I believe you went into the Council honestly and sincerely and earnestly to work the reforms ?

A.—Yes.

Q.—Now you had nearly three years' experience. I want to know definitely from you—suppose certain defects were removed ; I think you will admit this that in order to maintain a system of dyarchy there must be a substantial division of transferred and reserved subjects.

A.—But that is the definition of dyarchy.

Q.—I am putting it to you for this reason.—Supposing every subject was transferred except some very minor departments such as (my colleague Dr. Paranjpye suggests) European Vagrancy—suppose that was left in charge of a member of the Executive and all other departments were transferred, then it would no more be dyarchy, it would be an absurdity—I mean you would reduce the whole thing to an absurdity ?

A.—Quite.

Q.—Therefore in order to maintain a system of dyarchy you must have a fair and substantial division of reserved and transferred subjects ; without that cannot have dyarchy ?

A.—Yes.

Q.—If that is so, supposing that was maintained, is it possible for you to work it ?

A.—No.

Q.—Suppose all your grievances were met with regard to finance, all your grievances were met with regard to your control and supervision being complete over your subjects, and suppose it was also established not merely in theory but in practice that you have not to have any consultations and so on and so forth ; all the various things which were put to you or might be put to you—do you still consider that dyarchy is unworkable ?

A.—Well, if all the possible difficulties were removed, would not that be a negation of dyarchy ? Of course some other things will remain which I have mentioned, for instance, the grouping of subjects and so on, but that of course would be an improvement. I have said that things could be done in a better way.

Q.—You mean a better division ?

A.—A better division and better administration and so on.

Q.—It will practically be a negation of dyarchy if all these things were done ?

A.—Yes, that is what it amounts to.

Q.—Supposing all this was done, you would still have the Governor who has got power ?

A.—But you said the Governor was not going to exercise his power and the Council was going really to be able to enforce its demands. When I said all difficulties, I meant this.

Q.—If all difficulties are removed, then you say it will be a negation of dyarchy ?

A.—Yes.

Q.—One more question. You have been in very close touch with public life in the Punjab.

A.—For many years I have.

Q.—You have suffered for it too ?

A.—Oh ! many a time.

Q.—Now in your opinion do you think that the electorates in the Punjab are sufficiently intelligent and experienced to give an intelligent judgment on broad issues which may be placed before them ?

A.—Yes, if they are placed before them they are quite capable to form a judgment on them.

Q.—And you think electorates as they exist at present are capable of returning competent representatives of calibre and ability ?

A.—Oh ! yes.

Q.—Now you say that the Minister is really nobody—I think that is what you said comes to.

A.—I didn't say nobody ; he is not very effectual in the Government but he is somebody.

Q.—Nobody so far as power went.

A.—You are right there

Q.—Of course you have the glorified name of Minister.

A.—Yes and the receptions at the railway station also.

(*Mr. Chairman*).—*Q.*—Which is very impressive to the electorates ?

A.—If you are seeking re-election !

Q.—As far as I can make out, you have got three objections. The first is that those who are immediately under you are capable of going against you and overruling you

A.—Quite, that is one factor.

Q.—The second is that the Governor may turn down any proposal that you may bring up ?

A.—Quite so, that is second.

Q.—And that if you do not satisfy the Governor, the only course open to you is to resign ?

A.—Yes, that is so.

Q.—And so far as the legislature is concerned, you cannot carry out the wishes of the majority unless the Governor allows you to do so. You cannot introduce any measure, however much it may be desired by the majority of the legislature, unless the Governor allows you to do so ?

A.—Yes, that is the position

Q.—Although you may agree with the policy which the legislature desire to enforce ?

A.—Quite so.

Q.—Have you seen the Instrument of Instructions to Governors ?

A.—I saw it once, I think.

Q.—Well if you will look at Instruction no. 6, it runs as follows :—

" In considering the Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion he shall have due regard to his relations with the legislative council and to the wishes of the people of the Presidency as expressed by their representatives therein "

Now that entirely depends upon the Governor—does it not ? I mean it gives him every latitude in considering the Minister's advice.

A.—Yes, entire power to do as he likes

(*Mr Chairman*).—It says " he shall have due regard, etc "

Q.—It is pointed out by the Chairman that the Governor " shall have due regard." I suggest that means having due regard to his own ideas, not having due regard to your ideas. Is that so ?

A.—That is what would happen in practice.

Q.—In practice what happens is this, that he is the ultimate judge ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—In view of the present situation in the Punjab, supposing you had what is known as full responsible government, what would be the position of the Hindus in your province ?

A—Better than it is now.

Q.—Although you don't like the communal system you think that if this communal system continues and you are given full responsible government, the difficulties that you labour under at the present moment under this very communal system will disappear ?

A—I never said that. My position is that responsible government is not possible so long as the present principle of communal representation in the Punjab goes on. That is the position from which I started.

Q.—What I want to ask you is this—that supposing the people insist on having the communal system of representation and still say " Give us full responsible government ".....

A.—What is full responsible government with that kind of representation ? It is not workable at all. It is not practical at all. There are three communities, if you will allow me to say so, two to be in the minority, the official bloc disappears, and one community comes there with the idea that they are Muhammadans and that they have to benefit the Muhammadans in every possible way ; and the other two communities also continue to be two communities. How does responsible government arise ? The other two communities have to be in the opposition every time. They have no other way. Minorities in opposition and the majority in power—how the question of responsible government arises in that case, I cannot understand.

(*Sir Muhammad Shafi.*)—*Q.*—Don't you think that in all those provinces where the Hindus are in an elected majority, the Muhammadans will similarly be in the opposition ?

A.—Exactly. That is why I say that communal system ought to be done away with there also.

(*Sir Muhammad Shafi.*)—*Q.*—Then responsible government is impossible in India according to your view.

A.—No, no. It is quite possible without communal representation. When communal representation is gone, then there is responsible government. But so long as there is communal representation there is no responsible government because the majority always, whether Hindus or Muhammadans, are really the rulers.

Q.—Supposing you had a full system of Ministerial Government in your province. Am I to understand from you that you feel that the Muhammadans would always be in power and that the Hindus and the Sikhs would be in the opposition ?

A—That is what will happen if present system of representation prevailed.

Q.—Would you prefer that position to the present situation ?

A.—You are putting the question making an assumption that the Ministers would be not the Ministers of the majority but the Ministers of somebody else. If the Ministers are also the majority then the Ministers are the majority and the Council is the majority. What will happen if

course is simply a matter of inference. It is not a matter of argument of experience.

Q.—Supposing the Ministers are the majority. In your province majority happens to be the Muhammadans. Would that improve your position beyond what it is to-day in the province?

A.—It won't.

Q.—In what way?

A.—It won't at all. If the Ministers belong to a communal section and the majority is based on communal representation, certainly the other communities being in opposition, their fate would be the same as that of every opposition in the world.

Q.—Supposing you had full autonomy?

A.—Who are "you"? Who are "we" there? Does full autonomy mean that the Governor is not there or that the Governor is there?

Q.—You can have full autonomy still with a constitutional Governor.

A.—Quite. I take it for to-day that there is a constitutional Governor and the powers of the Governor are reduced and the powers of the Ministers are increased, and the communal representation remains as at present but the official bloc disappears—that is what autonomy would mean, would it?

Q.—It would mean more or less that

A.—Very well. You want me to infer differently from the logical inference that would be there.

Q.—I want to know what the logical inference is.

A.—The logical inference is that the opposition will suffer—that is minority.

(*Mr. Chairman*).—*Q*.—The majority will exercise their power regardless of the minority?

A.—Yes

Q.—That being so, would you welcome that?

A.—I never said that.

Q.—If you don't welcome that, what is the advance you would have in the Punjab over the present system?

A.—The first paragraph of my note says, "No communal representation", and so far as I can see, I do not see any way out of the difficulty without removing communal representation.

Q.—Supposing communal representation was not removed. I am going on inference. Would you rather have the present system continued or would you rather have what is known as responsible government or provincial autonomy?

A.—Some of my friends have told me that they would rather like to go back.

Q.—What is your view?

A.—My view is that I would struggle for the removal of the communal representation.

Q.—When that is done, you will get, you think, the ideal position. But so long as we have got to face facts....

A.—I am facing them.

Q.—So long as we have to face facts—this Committee has got to make general recommendations for the whole of India ; you come from the Punjab, you are an *ex*-Minister of the Punjab and that being so we want to get at the difficulties in the Punjab. You have told us that so long as communal representation continues full responsible government or autonomy is not possible in the Punjab because the minority will suffer. Am I correct in that ?

A..—Yes.

Q.—That being so, what kind of advance would you advocate for the Punjab over the present system in view of the fact that you denounce dyarchy ?

A..—Must I advocate any advance ?

Q.—I want to know whether you would like to continue the present system which you dislike ?

A..—I said that some of my friends want to go back.

Q.—Are you one of those friends who want to go back ?

A..—I have not lost hope. That is the position. I do not think that if the case is put really, and properly, and the whole case is explained, there is any difficulty in removing communal representation.

Q..—But supposing communal representation is to be left alone. Would you rather go back than go forward ?

A..—That is the opinion of my friends.

Q..—What is your opinion ?

A.—I don't think I have formed an opinion in that contingency. I have always been thinking in terms of non-communal representation.

Q..—You say in paragraph 2 that owing to the Muhammadan Minister having had a majority and making a real position for himself, "the position of the 2nd Minister became untenable and quite unreal". The position of the 2nd Minister, to whom you refer, is yourself ?

A..—Yes.

Q.—Then you say . "The Law as it stands provides no Cabinet Government ; there is no single policy, etc."

A.—Yes.

Q..—Do you think that in your province, if dyarchy had been worked differently from the way in which it has been worked—because I feel, having had some personal experience, that one of the causes of—I won't say displeasure, but—discontent among the Ministers has been that in the beginning every Governor started with the injunction laid down by the Joint Committee that there should be free interchange of views and so forth at joint meetings, but then gradually, these joint meetings became few and far between and the Ministers felt that they were being left in the cold and that they were not being consulted at all about the reserved half. Is it not so ?

A..—No. The whole case has been put by Mr Jinnah. Mr. Jinnah enumerated into three classes the difficulties the Ministers have had to experience and have experienced. It is not only one. It might have come in simultaneously with the cabinet meetings becoming scarcer. All these difficulties began to be felt at the same time as time went on.

Q..—Is not that one of the causes ?

A.—So far as the Punjab is concerned, I do not think there was ever a meeting of the Governor and the two Members. Each Member met the Governor several times, but I do not remember that there has been any meeting which might be called a meeting of the Executive Council from which the Ministers were excluded. Of course meetings were very few, but that is another matter. But there never was that in the Punjab.

Q.—Do you think that if in the Punjab dyarchy had been worked in the sense that dyarchy is known, namely, that the Governor commonly consulted his Ministers regarding the transferred subjects, and that the Ministers knew from the beginning that they had nothing to do with the reserved subjects and so forth, your position in the Legislative Council would have been better than your having been consulted as an adviser in reserved matters in which you had no right to vote?

A—I do not connect the two, that is, the position of the Ministers and the Governor, and their position in the Council. I have not criticised it from that point of view. The Council stands on its own footing. I have not suggested that because the Governor was one day smiling on us, the Council was kind to us, and the next day the Council was not kind to us because the Governor was not smiling.

Q.—Since you denounce dyarchy, supposing you were fortunate to get dyarchy removed, but you were unfortunate in removing communal representation, what would you have in the Punjab? Would you still have dyarchy and communal representation, or would you have a unified form of Government having all Members of Council and communal representation?

A.—In the interest of administration I would remove dyarchy even with the communal representation; in the interest of the people I will remove communal representation first and then remove dyarchy.

Q.—Supposing for the moment that you cannot remove communal representation, because it is not only a provincial question but an all-India question.

A—I am distinguishing between the two cases. One case is that of the administration and I have said that there have been certain difficulties with regard to that. The other is the question of rights and privileges and dignity and all sorts of things. I have separated these two. One relates to the Council and the other relates to the distribution of power. Which would I remove first? If you ask me, I personally will remove the communal representation first, but if it came the other way round, I won't kick at it.

Q.—Supposing communal representation was not removed. Would you continue the present system of transferred and reserved subjects or would you have a whole unified Government of Members of Council?

A.—I have answered that I will not kick at it.

Q.—Would you rather have Members of Council?

A.—No, no. What I say is this. If dyarchy is removed, that would help the administration, and therefore, I will not say that I do not co-operate there.

Q.—You can only remove dyarchy by either going back or going forward. You can remove it only either by giving autonomy to your province or going back and saying that every subject shall be reserved, so to speak.

A.—The distinction would disappear of reserved and transferred subjects if there is a unified government, and the administration would be improved. The question would be whether the administrators would be Ministers or Members. You have not put that question to me.

Q.—That is what I am asking ?

A.—You are asking me whether I would like everybody to be a Member.

Q.—Or Minister ?

A.—Well, personally, I would like everybody to be a Minister.

Q.—If you want everybody to be a Minister, how would you work it ?

A.—I would work it in as bad a way as it has been worked now—as badly or little worse.

(*Mr. Chairman*).—Q.—You mean the compartmental system ?

A.—What I understand by the question is that the distinction of reserved and transferred shall be removed, and the classification of Members of Government into two classes is also removed. In that case whether I would like everybody to be a member of Government or a Minister, I say that I would prefer to be a Minister even in those conditions.

(*Sir Muhammad Shafi*).—Q.—I think what the Maharaja has in his mind is this. Would you rather have all Ministers plus communal representation or have all executive Council ?

A.—I would have all Ministers plus communal representation, and the reason is that I believe that the members of Government as a present appointed are less in touch with public opinion than Ministers not that the Ministers will enjoy better rights and so on.

Dr. Paranjpye.—Q.—Although you were overruled in most cases and no cabinet meetings were called, possibly a certain number of rules laid down in the constitution or rules under the Act had also not been observed, do you not think that you could have made a more effective protest than you did actually ?

A.—How do you mean effective ? That is by tendering resignation ? I did.

Q.—Not by tendering it and taking it back.

A.—I did not take it back at all. It remained with the Government all the time. I never withdrew.

Q.—But you still continued to be a Minister ?

A.—That was because of two reasons. One was that the Government thought that I was a very good tempered boy and that I ought to be there, and the other was that I went there to work the reforms. Therefore when he told me that he would be sorry to part with me and like me to continue I said "All right. Let me have another trial."

Q.—You did not prefer to be a bad tempered boy ?

A.—I do not do it even to-day.

Q.—As regards the settlement of the budget do you think that your departments were unfairly treated considering the financial position of the Punjab ?

A.—There was a little preference for the nearer at home subjects

Q.—On the other hand, we have been told from certain quarters that as a result of the reforms the transferred subjects fared rather badly so far as finance was concerned ?

A.—In some cases they may have done in some places, but as my departments were concerned I do not think that I got more co-operation, or money for roads, or money for tramways, or money for industrial education.

Q.—I want you to consider the transferred departments as a whole. I understand that the transferred departments budget increase about 17 per cent and the reserved subjects budget did not increase at all.

A.—Possibly there was a little more money spent than in the on education, but that was because the programme of spread of education—which they call quinquennial programme or something of kind already existed before we really came on the scene.

Q.—As regards the bifurcation of the subjects you say that this served no useful purpose. Can you suggest a better scheme of bifurcation ?

A.—Did I say that this particular system is defective ? I say bifurcation itself—splitting up into two was bad.

Q.—No possible way of bifurcation ?

A.—I said, if there is no bifurcation the grouping would be better, the handling would be better—these are the reasons that I have and I still adhere to that opinion.

Q.—When you found for instance that in several important matters you were not even consulted, let alone your advice being accepted, for instance in the appointments and postings you were not even consulted, did you protest to the Governor ?

A.—I did.

Q.—And with what result ?

A.—With the result that the next time the Chief Secretary round and said, “would you have so and so ?”

(*Mr. Chairman*).—*Q*.—You succeeded in your protest ?

A.—To that extent.

Q.—What were your relations with the services generally ?

A.—Very friendly but—

Q.—How many Imperial officers had you under you ?

A.—Innumerable, very difficult to count.

Q.—Say a 100 ?

A.—I should not say 100 unless you put the engineers, veterinary surgeons, veterinary professors, and agricultural professors and like things. I have never classified them under Imperial and non-Imperial. But in those departments I had the same officers under me paralled other provinces.

Q.—Did they get on very well with you ? Was there any tendency to rebel against you ?

, A.—Excepting in case of one or two from one and the same department there was no apparent tendency.

Q.—Did they try to get behind you when you disagreed with them and go to the Governor ?

A.—They did in one or two cases. Not behind but in front.

Q.—And they went ahead of you by going to the Governor ?

A.—They appealed, complained, took legal advice, and threatened me with the opinion of the Government of India and referring the matter to the Secretary of State and all that

Q.—So you think that this position of the services being to a certain extent independent of the Ministers is almost intolerable ?

A.—It depends on your temper, but it is intolerable.

Q.—You talk about patronage. What do you think would be the best way ? Do you want to retain patronage or not ?

A.—Patronage cannot be taken away. All I want is that it should be in the Cabinet. For instance, the Minister of Agriculture is not in the same patronage group as the two members, and further the patronage of the Education Minister is not in the hands of the Minister of Agriculture and *vice versa*. If it is Cabinet Government practically the patronage becomes one. They stand or fall together. What we noticed was that the patronage in certain members had the pull over the man who had not the same amount of patronage.

Q.—But do you think that this possession of patronage by members of Government is desirable ?

A.—He cannot get out of it.

Q.—Supposing you have got, for instance, a Public Services Commission and all appointments were made by them under certain definite rules, do you think that it would be a more desirable state of things than it is at present ?

A.—In certain cases it would be, but there is a lot more which Government patronage includes.

Q.—At any rate as regards appointments the defects would disappear ?

A.—To some extent they would.

Q.—Do you think it desirable to abolish these defects by this means ?

A.—I should think so.

Q.—Another kind of patronage is in the administration of land revenue, and, as you say, irrigation ?

A.—And lots of other things.

Q.—And you had no finger in the pie at all ?

A.—I did not say that at all. I said my finger did not go deep enough.

Q.—One or two other things I want to ask you. You say you were in charge of the Industries Department. I suppose the purchase of stores at least for the transferred subjects was in your hands ?

A.—We had no separate department for the purchase of stores. We tried to create one but we did not succeed.

Q.—You had to purchase a large number of stores for your P. W.

A.—They never came to me because before the reforms there was a good deal of what they called delegation, or devolution of power as a matter of fact, so far as the Public Works Department is concerned I had absolutely no patronage neither in the buying of stores nor giving of contracts. All that I was concerned with was the transaction leaves, and accounts.

Q.—And sanctioning of schemes?

A.—Yes, sanctioning or putting my initials to those things.

Q.—You were Minister of Industries. Did you take any steps to encourage Indian industries by means of the powers that you had in purchasing stores for the Public Works Department?

A.—I would not say I did not, because people will get at my title but as a matter of fact I did very little.

Q.—Did you observe that as a consequence of the transfer of certain departments the members of the Imperial Services began to take interest in these transferred departments?

A.—I did not notice that. Whenever I went the Collector went with me to the School or the Veterinary Hospital.

Q.—On your initiative?

A.—Very likely he went before also because some of the business had to pass through his hands and the funds had to pass through his hands.

Q.—You were in charge of excise?

A.—Yes

Q.—Did you receive proper help from the district officers in administration of excise?

A.—A great deal more than I wanted. In the excise they kept a pretty tight hand on me.

Q.—As regards income-tax do you think that this department of income-tax, at least the administration of income-tax should be transferred to the provinces? You said so?

A.—Yes.

Q.—What is your object?

A.—The objects are two. One is that it should be realised by the taxpayer that both sections of the populace, urban and rural, are paying sufficient and just taxes.

Q.—That can be done by means of proper publicity?

A.—That is one object and the other is that the administration should be much better supervised, much better in touch with popular opinion than it is at present.

Q.—Would it also give a lever for exercising pressure occasionally of an illegal kind upon the people if the income-tax were in the hands of the Local Government?

A.—You mean to say that the members of the Assembly are more prone to that than members of Council?

Q.—If for instance income-tax administration was entirely in the hands of people who have also the Police administration in their hands

A.—You mean that the Police will try to interfere in the income-tax administration, or the Ministers, or the members or the Collectors, or who ?

Q.—Suppose the officers of a district have to deal both with the Police administration and income-tax ?

A.—I did not say that. That is a greater detail. There may be a separate department altogether or may not be. But the department should be under the supervision or under the influence of the Local Legislature.

Q.—In the hands of the Revenue Member who also manages the land revenue ?

A.—Somebody will have to take it.

Q.—Should it be entirely independent in the hands of an independent member ?

A.—If the work is enough it should be independent. If it is not it will have to be grouped with some thing else. That will depend on provinces where the work is a great deal and where the work is small.

Sir Henry Moncrieff Smith.—*Q.*—In paragraph 2 of your memorandum you give the history of the first appointments of Ministers. Do you approve of the method adopted in the first instance for the selection of Ministers ?

A.—Very likely there was no other choice except to ask the members of the Council to select their leaders.

Q.—But if the Council, the parties, had been asked to select their leaders, the result would be much the same ?

A.—I said the council as a whole. I did not say the communities ought to have been asked to select, but if the communities had been asked, the result would have been the same very likely at the time.

Q.—Or you might possibly have had two Muhammadan Ministers ?

A.—Well, if that was the reference to select two, but if the reference was to select one—that would depend on the reference.

Q.—You said that you would like to abolish communal representation, and you think that if the special electorates are abolished, you will get elections carried out on party lines ?

A.—Yes.

Q.—Not on communal lines ?

A.—No.

Q.—You will get rid of communal lines ?

A.—Yes.

Q.—When your council, after a general election, is constituted, do you think then that it will separate itself up into party lines which are not communal lines ?

A.—If they go to the election on those lines, they will stick to them in the council.

Q.—What method would you adopt in the future for the selection of Ministers ?

A.—Well, the same method more or less which is in vogue in other countries—the party in power should have all the Ministers and more or less one man would be distinguished as the leader and then he will be consulted with regard to his colleague.

Q.—That is the system you would advocate provided the abolition of communal representation gets rid of the communal parties in the council ?

A—I am quite sure that it would.

Q.—You are quite sure ?

A—Yes.

Q—You said just now in answer to a question ‘assuming that the official bloc will go’. Do you advocate that the official bloc should disappear if you get responsible government in the provinces ?

A—I think the two are contradistinction in terms, official bloc and responsible government.

Q—But the official bloc is very small ?

A.—It is very small but still it is a nuisance.

(*Mr Jinnah*).—Q.—It costs money also ?

A—Yes.

Q.—Your colleague probably would not endorse what you said ?

A.—You mean Fazl-i-Hussain ?

Q.—Yes.

A.—For a time he might not, but if he gets more power, I think he would.

Q.—I do not quite remember whether you said there was very little consultation between you and your colleague, your co-Minister ?

A.—In the administration of our departments ; otherwise we met every day in the house, we walked together, we drove together, we were invited together ; and we held together.

Q.—But if there was a difficult matter in which your colleague was particularly interested, did he ever talk it over with you ?

A—No ; of course casual talk on some things is different.

Q.—Now, coming to the Gurudwara business in the Punjab, that was your colleague’s business ?

A.—The subject was in his charge.

Q.—Were you never consulted about that ?

A.—A good deal, not by him but by all, not by him exclusively. Gurudwara business we discussed together many a time, at joint meetings, sometimes without the presence of the Governor sometimes 3 of us, sometimes 2 of us. That was at the delegation that was appointed by the Governor for the time being. Sometimes certain matter was referred to me.

Q.—It was an important problem in the Punjab which concerned your fellow-Minister, but you were not kept in the dark as to what was going on ? I mean the Gurudwara question.

A—I do not think I was in the dark at all.

Q.—When Mian Fazl-i-Hussain came to Delhi, I forget when it was, sometime ago to discuss the matter with the Government of India and consult about the drafting of a Bill you accompanied him ?

A.—Yes. I was sleeping in your room while he was discussing.

Q.—Mr. Harkishan Lal, in paragraphs 11 and 12 you mention the restrictions on the financial and legislative power of local governments and also the conflict of interest between the Local Governments and the Government of India ?

A.—Yes, Sir.

Q.—I do not want to go into details.

A.—You know them, I suppose

Q.—Some of these subjects to which you refer in these paragraphs were provincial transferred subjects. Were they not ?

A.—Yes, they were transferred subjects in certain aspects.

Q.—And as a minister for 3 years you must be familiar with the rule which restricts the power of superintendence, direction and control—which the Government of India has over transferred subjects ?

A.—Yes.

Q.—I am referring to Rule 49 of the Devolution Rules. Have you got that ?

A.—No. (A copy was handed to the witness).

Q.—Had you any complaints about the working of the rule during your time of office ?

A.—I have said in paragraph 12 that some conflict of interest was noticed in legislating about Tramways and Local Option. I did not say we were unfairly treated or we were put under pressure ; but as things stand you did your best and we did our best, but we were at different poles.

Q.—But you do not suggest that the Government of India in dealing with the question of Local Option and Tramways went beyond their powers ?

A.—I do not say that at all.

Q.—They did not go beyond the limited powers given to them ?

A.—That is the language I have used for that reason. I have only stated that there was some conflict of interest.

Q.—You advocate the transference of all subjects if you have full responsible government ?

A.—Unification of subjects.

Q.—Would you alter Rule 49 in that case ? Would you still preserve in the Government of India these limited powers of superintendence, direction and control ?

A.—With regard to (1) to safeguard the administration of central subjects, I would make the central subjects and the provincial subjects as far independent as possible I would reclassify them, re-consider

Council and the administration is with the provincial council. I would revise that, if possible. But after revision I will keep this rule; certainly I will keep the rule to safeguard.

Q.—You would define much more strictly what are central subjects ?
A.—I would define a little more elaborately.

Q.—You realise that more definite delimitation would be a matter of some difficulty ?

A.—As time goes on we will be able to make better classifications. Some better classification is possible now because we have had experience of 4 years.

Q.—What about the other parts of the rule ?

A.—No. (2) is essential. If two provinces differ, some arbitrator must come in.

Q.—And part (3) ?

A.—Part (3) is rather a big question, but by the grant of responsible government, it will simplify itself. By the grant of responsible government, the Secretary of State's powers and the Government of India's powers would be reduced. Naturally then clause 3 will simplify and shorten itself.

Sir Tej Bahadur Sapru.—*Q.*—Lala Harkishan Lal, I suppose the underlying principle of the Lucknow compact which was accepted by the Hindus and Muhammadans in 1916 and subsequently acted upon by the Joint Parliamentary Committee was that minorities should be protected—that was the underlying principle ?

A.—Yes, that was the chief reason perhaps.

Q.—And that compact was arrived at at Lucknow as at that time when reforms were more or less in the air ?

A.—Yes, at the Lucknow Congress.

Q.—It was within a few months after that that the announcement of August 1917 was made in Parliament ?

A.—Yes.

Q.—Now, I take it that the principle which was adopted at the Congress was that in certain provinces Muhammadan representation should be in excess of their numerical strength ?

A.—That was the feature of the compact.

Q.—Another feature of it was that in certain other provinces where the Muhammadans were numerically larger they should get less representation because those who were responsible for that compact thought that at that time they were not qualified to exercise those privileges in proportion to their numbers ?

A.—I do not know that was the only excuse or reason.

Q.—Let me illustrate that view. Take, for instance, Bengal and the Punjab. In Bengal the Muhammadan population is about the same as Hindus, a little more (Mr. Jinnah—in Bengal 54 per cent. Muhammadans and in the Punjab 55 per cent). You remember that at the Lucknow compact gave the Muhammadans in Bengal and in the Punjab less representation than they would be entitled to having regard to their numbers ?

A.—Yes, quite.

Q.—Similarly that compact gave the Muhammadans in the United Provinces, the Central Provinces, Madras and Bombay larger representation than they would be entitled to having regard to their numbers ?

A.—Yes.

Q.—Now, do I understand correctly the Muhammadan position in the Punjab that they are not satisfied with representation which is less than their numbers ?

A.—Some of them do say that. Some of them do say that they have not got what they are entitled to ; and I have heard said at the last League Conference that the Minister, Mian Fazl-i-Hussain, said that they had made greater sacrifice, in that respect than the Hindus had done.

Q.—Supposing that Lucknow Pact was departed from in the case of your province, what would be the result ? Will the Muhammadans get representation according to their number, namely, 55 per cent.

A.—If the rule enacted is that everybody should get his share according to the proportion of the population, then certainly the Muhammadans will get 55 per cent.

Q.—Taking matters as they stand, I take it that the Muhammadans, if the Lucknow Pact were to be departed from to-day, would be entitled to get in the proportion of 55 to 45.

A.—That is what I have said, if the rule is the rule of proportion.

Q.—I am proceeding on that assumption. Supposing that was done and the Muhammadans got representation to the extent of 55 per cent do you think that the Hindus would oppose that in your own province ?

A.—I do not think they would.

Q.—If they would not oppose representation of the Muhammadans in proportion to their numbers, would the Hindus or the non-Muslim minorities claim any special protection ?

A.—I do not know whether they would claim protection or not. But I am not aware of any system of protection of minorities by numbers.

Q.—Would you in your own capacity as a Hindu and as a leading politician then advise the Hindus to claim protection ?

A.—Protection is not possible. So how can I advocate a thing which is not possible.

Q.—That is to say you would let the Hindus take the risk of being in a minority ?

A.—It cannot be avoided.

Q.—That is with regard to the proportional representation. Now as regards separate electorates. Supposing there was to be a joint electorate in your province and a certain number of seats were reserved for the Muhammadans and a certain number of seats were reserved for the Hindus, would your objection to communal representation still hold ?

A.—Mine would.

Q.—Now do you agree with me in thinking that if the Hindus and the Muhammadans had not come to a pact at Lucknow in 1916 there might have been serious difficulty in the way of getting even such reforms as we have got ?

A.—I think it was a very good resolution as far as the British Government was concerned at that time, because they were objecting on that ground and the ground was cut from under their feet.

Q.—Supposing the same objection was urged now in the case of further advance ?

A.—Some people might try to cut the ground from under their feet even now. From my point of view it would be a negation of responsible government.

(*Sir Muhammad Shafi*).—Q.—Was it not a negation of responsible government from your point of view in 1916 also, or have your views been changed since then ?

A.—My views have been the same. When you have to fight a common enemy, sometimes a compromise is justified.

Q.—If we are to accept your suggestion that the two communities combined at that time to deal the common enemy (I am using your own words) is there less justification now for combination or greater justification for separation ?

A.—I think the experience that is before us now is greater than it was at that time. That is the only thing that I can say.

Q.—I think you said in reply to a question put by the Maharaja Sahib that the feeling in the Punjab is so very strong about it that there are some friends of yours who would rather like to go back on the reforms than agree to the continuation of communal representation ?

A.—Yes, that is what I said

Q.—May I take that these friends of yours are Muhammadans or Hindus or both ?

A.—Both.

Q.—Now if it was put to you—and by you I mean the Punjabis and not you individually—that you will get the largest of an advance after the settlement of your differences with the Muhammadans or you will go back to the state which prevailed in 1919 and the rest of India would not wait for you, what would be your answer ?

A.—Personally, I would try to compose the differences in some form or the other but I do not know whether I will succeed.

Q.—I want to know what would be your answer. Are the inhabitants of the Punjab anxious to have a constitutional advance ?

A.—That is what I have always been getting the impression from everybody.

Q.—If they are anxious to have any advance, would they secure it by composing their differences or would they secure it by continuing these differences ?

A.—Whatever is more effective.

Q.—As a practical politician do you think that it is possible for you to secure any advance so long as these differences between the Hindus and the Muhammadans continue ?

A.—That depends on the reading of the mind of the English people.

Q.—I am not concerned with the mind of the English people. They probably know it much better than you and I. I am concerned with your mind. What do you, as a responsible Indian who has had considerable experience of public life, think?

A.—I do not know whether they would be induced by me to give it without the communal representation. I take it, it practically depends upon their mind. If they put this obstacle in the way, certainly it would be worth considering whether we should submit to this obstacle or take it on any terms that they may be pleased to lay down.

Q.—Perhaps you and I are in complete agreement that on abstract principle communal representation cannot be supported by anyone. But we are talking here as practical politicians and I put it to you as to what has been your experience of the other provinces. Take, for instance, the United Provinces or Bombay or Madras where there has been separate representation so far as the working of the Councils is concerned. Do you think that the Hindus and the Muhammadans in those councils have divided themselves into hostile camps because of communal representation or do you think that such friction, as there was or might have been before, is very much less now?

A.—I have not studied the working of other councils carefully.

Q.—Would you please let me know what is exactly the thing which divides the Hindus from the Muhammadans in the Punjab? What is the nature of the dispute?

A.—The nature of the dispute as put by the press is more or less appointments. But its origin goes back as far as the starting of the Congress.

Q.—I am talking of the dispute which has arisen now during the last two or three years?

A.—It is due most to the writings in the newspapers regarding the distribution of appointments.

(*Sir Muhammad Shah*).—*Q.*—Do you mean to say that the acute position that exists between the Hindus and the Muhammadans in the Punjab now, existed, say, six years ago to the same degree?

A.—No

Q.—You said that the impression that you gathered from the press of your province is that the dispute is mainly with regard to the loaves and the fishes?

A.—Yes.

Q.—Will you tell me what are those appointments which create such disturbances in your province? Are they the appointments of Naib Tahildars, Sub-Registrars or Sub-Inspectors of Police?

A.—The dispute started with higher appointments.

Q.—What are those higher appointments?

A.—Professorships in the colleges and also Assistant Professorships and the question of promotion to the Imperial Service and things of that sort.

Q.—Am I right in assuming that it is due mainly to the narrow view of the educated community of your province that this dispute has arisen?

A.—I have no hesitation in agreeing with you that this dispute is due to the narrowmindedness of the educated people who do not see beyond their noses.

Q.—And the interests of the masses in the province are suffering because the educated classes are selfish enough to put their interests in the forefront ?

A—I should endorse your opinion there.

Q—Am I right in assuming that the feeling is accentuated by some of the disturbances in your provinces ?

A.—Yes.

Q.—Will you please tell the Committee whether there is a single man in your province who can rise above those narrow feelings or has anybody tried to put the proper point of view impartially between the educated classes. I should like to know very much if any effort has been made by a single literate Hindu or Muhammadan in this connection ?

A.—I think that an effort has been made but to a limited extent. Such an effort was made generally at the time when people like Mr C. R. Das and Pandit Motilal Nehru came to compose the differences. In such meetings things have been explained to the educated people and efforts have been made to settle the differences. I cannot say that no effort has been made whatsoever but the efforts that have been made so far have not proved quite effective.

(*Sir Muhammad Shafi*)—*Q.*—Has any organised effort been made in the Punjab by Hindus and Muhammadans collectively ?

A.—I am not aware of that.

(*Sir Muhammad Shafi*)—*Q*—You have given the Committee impression that subject to the removal of communal differences, you would like to have responsible government in the province ?

A—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Am I right in inferring that what the educated classes of your province understand by responsible government is a greater facility in appropriating certain appointments to themselves ?

A.—I do not think so. In my opinion the responsible government would mean better roads, more irrigation and smaller pay for the services.

(*Sir Muhammad Shafi*).—*Q*—It would also mean larger appointments in the Irrigation Department, the Public Works Department and so on ?

A.—Not larger but fewer. It would mean fewer Europeans and more Indians and lesser pay. The total number of employees will be fewer in certain departments and larger in others. For instance, in the Education Department the total number will be larger because education has to spread. We want more education, more industries, more industrial development. We also want tramways, forests better managed and what is called perhaps a little look into the jails so on.

Q.—Would you please, as a practical industrialist, advise the younger men of your community, Hindus and Muhammadans, to take more Government appointments, or adopt independent careers ?

A.—I have done it for many years and have said that the salvation of the country is more agriculture and more industries.

Q.—Is it due to some peculiar mentality that there is so much fondness for office, high or petty ?

A.—I do not know whether it is peculiar ; it is a question of opportunities also. The Punjab has taken to education perhaps more than many other Provinces, and the system of education is such that the young man is really like an old monk kept in sanctuary without any outside light being thrown on him. The result is that he knows only the Government services.

Q.—That is to say education in the Punjab has bred a race of clerks ?

A.—I should think so.

(*Mr Chairman*).—Q.—Some soldiers ?

A.—A few soldiers, but some Ministers also.

Q.—Perhaps in order to restore peace between the Hindus and Muhammadans, if you were the Minister in charge of education, the best thing you could do for your province would be to stop all education for five or ten years ?

A.—I do not think I would do that, but I would create other opportunities if I had the power.

Q.—Apart from the educated classes, are there any religious differences between the Hindus and the Muhammadans in the Punjab ?

A.—Sometimes, but very rarely.

Q.—Take for instance riots during the Muharram or on the occasion of sacrifices ?

A.—We are not free from that, but if you take the average of the population or the number of towns or villages or the question of years, it is insignificant, it is negligible.

Q.—Am I right in thinking that compared with the other provinces, the Hindus of your province are very much less orthodox as Hindus, am I right ?

A.—Perfectly.

Q.—Take for instance a man in an eastern district of the United Provinces, the Benares Division, and take any Hindu in the Punjab, of any portion of the Punjab, in matters of ordinary life, the Punjabi Hindu would associate much more freely with a Muhammadan or a non-Hindu ?

A.—I should put it that he approximates to Muhammadans more than any other Hindu does.

Q.—And yet the fact remains that there are differences ?

A.—Well you see sometimes the likes dislike each other.

Q.—And I suppose, as you have said just now, the main cause is about these appointments ?

A.—The present agitation that is going on has started with that.

(*Sir Muhammad Shafi*).—Q.—When did this dislike of the likes start ?

A.—About three or four years ago.

Q.—Have you given up all hopes of your province so far as this Hindu-Muhammadan question is concerned ?

A.—No.

Q.—You think there is a chance of better relations prevailing ?

A.—Quite

Q.—Will you please tell the Committee whether your province is a province of big landholders ?

A.—No.

Q.—They are small proprietors ?

A.—Mostly.

Q.—As an agriculturist the Punjabi agriculturist is supposed to be a very superior type of man ?

A.—Yes.

Q.—Will you please tell the Committee what is the exact outlook of the Hindus and the Muhammadans respectively with regard to the Land Alienation Act ?

A.—With regard to the Land Alienation Act, the Muhammadans generally likes it. He thinks it is a good legislation. The Hind agriculturist likes it, and there are a few Muhammadans and there are Hindus in larger number who do not like it. It is not because of its principle, but because of its injudicious administration. The point is this that, under the rules framed, certain classes and certain castes have been designated as landholders and at a later stage after the passing of the Act, the definition of landowner was also changed to exclude certain castes, not because they never had land or not because they never went near the land, but because it was a policy of the Government to exclude them from further acquisitions of land. That of course the Hind objects to. He thinks he is being very badly treated, and I am one of those because my ancestors have always lived on the land, and now with the little money I have got I cannot buy land.

Q.—Then am I to treat this dissatisfaction with regard to the administration of the Land Alienation Act as having anything of the communal character in its nature ?

A.—It looks sometimes as communal because the Muhammadans are in a majority, but it is not really communal.

Q.—You said you would like to abolish dyarchy and you are in favour of the unitary form of Government ?

A.—I would really abolish the co-archy and everything like that.

Q.—Supposing you were told that dyarchy would be abolished tomorrow and be substituted by the pre-reform Government because you Hindus and Muhammadans have not settled, what would be your feeling ?

A.—My feeling would be that we are very backward people and we are not being properly treated.

Q.—When you think of the abolition of dyarchy, I suppose you simultaneously think of it as a substitution of full responsible government in the provinces ?

A.—That is what has been before my mind. I read your resolution in the light of the announcement of August and the preamble of

the Act, and I really considered whether it was a substantial instalment or not ; and my feeling was that it was only a nominal instalment ; only a show , hardly met the charges and the costs and the interest, and did not attempt to pay any part of the principle.

Q.—Now with regard to the Government of India, what suggestion would you make supposing full responsibility was established in the provinces, would it continue to be as it is ?

A.—It will have to be liberalised a great deal.

Q.—What do you mean by liberalising ?

A.—I mean the programme of the Liberal Party will have to be carried out at least.

Q.—You are in favour of it ?

A.—I want even more than the Liberal Party does.

Q.—Now as regards the franchise are you in favour of the franchise being given to women ?

A.—I am

Q.—Would you allow women to sit in the Councils ?

A.—Yes.

Q.—You think if the franchise is extended to women, the women in your province would stand for election ?

A.—A few would.

(*Mr Jinnah*) —*Q*.—May I ask one question in connection with this. Has any step been taken in your province to enfranchise women ?

A.—No, not yet.

(*Mr Jinnah*) —*Q*.—Why not ?

A.—Perhaps people are busy with something else.

Q.—Would you please tell me what is exactly the position of the depressed classes in your province ? Is there any such thing as a problem of depressed classes such as there is in other parts of India ?

A.—If depressed classes mean economically depressed, three-fourths of the Punjab is depressed, e.g., the Jullundur District, the Hoshiarpur District, etc.

Q.—I am talking of the depressed classes in the sense in which that phrase is used, the untouchables ?

A.—There are very few of them, and we touch them also.

Q.—Is there any strong orthodox feeling against them in your Province ?

A.—Very little.

Q.—That I suppose has been due mainly to the Muhammadan and Sikh influence in your Province ?

A.—Well it started from that ; but modern education has also done a great deal.

Sir Sivaswamy Aiyer.—*Q*.—You have declared yourself strongly, against the system of communal representation ?

A.—Yes.

Q.—As a half-way house would you agree to the principle of a common electorate with a reservation of seats ? Don't you think it mitigates somewhat the evils you have in view ?

A.—My position is this, if that is a condition *sine qua non* of further advancement, I at least keep quiet

Q.—That means you would agree to a system of a common electorate with a reservation of seats if it was a *sine qua non* for further advance ?

A.—That is what I have said.

Q.—You said that if the principle of representation in proportion to the numerical strength was adopted, the Hindus would not claim any protection ?

A.—I did not say that at all, I said they cannot get protection. If once the principle is accepted that every one is to have representation in proportion to his number, what more protection is wanted.

Q.—The result of that would be that, as the province is divided into two well marked communities, with considerable differences, the Government would always be in the hands of a Muhammadan majority ?

A.—Yes.

Q.—The majority would be Muhammadans and all the Ministers would be taken out of the majority and they would all be Muhammadans ?

A.—Yes.

Q.—Do you think the Hindus who would be in a standing minority, would reconcile themselves to that position, or claim any protection ?

A.—They cannot claim protection if they accept the principle. The protection must be within the principle if you once accept the principle of numerical proportion.

Q.—From your point of view, if the principle of representation in accordance with the numbers of the community is adopted, the Hindus are not entitled to claim any other protection ?

A.—No.

Q.—But are people always governed by principle as a matter of practical politics ? Will there be any demand for further protection ?

A.—That means that the Hindus will not agree *ab initio* to the principle of numerical representation ? That is what your question amounts to.

Q.—Or if the principle of numerical representation were adopted, would they claim any protection ?

A.—In what way ?

Q.—By the adoption of some safeguard ?

A.—What are those safeguards ?

Q.—A certain proportion of the Ministry, or anything of that sort.

A.—The suggestion is that a certain number of Ministers should be Muhammadans and a certain number Hindus.

Q.—Do they ask for any such safeguard ?

A.—If they are intelligent they won't ask, because a Minister representing a minority and that minority in opposition is a meaningless phrase.

Q.—I agree that it is in theory an unsound principle, but I wish to know whether the Hindu minority would reconcile itself to it and face the consequences.

A.—My idea is that protection would lie in forming parties.

(*Sir Muhammad Shafi*).—*Q.*—You mean that in spite of communal representation under responsible government the progressives of both communities would form one party and the conservatives would form another party ?

A.—They would form some party or other, not necessarily conservative and progressive ; but they would split up into parties.

Q.—Do you think with your knowledge of recent tendencies that parties will be formed on other than communal lines, such as Muhammadans and Hindus ?

A.—I should think so.

Q.—And you think there is no necessity for any special protection of the Hindu minority ?

A.—I cannot conceive how they can be protected. If you tell me how they can be protected, then I will say whether they will lay claim to it or not.

Q.—Suppose that out of the Ministry a certain number were to be Hindus ?

A.—I have explained that that is an untenable position.

(*Dr. Paranjpye*).—*Q.*—Do you remember the condition in the Lucknow Pact that if three-fourths of the representatives of any community are against any particular measure, with reference to that community, that measure should not be carried out in the council ?

A.—That is the Congress rule.

(*Dr. Paranjpye*).—*Q.*—Do you think that would be a sufficient protection ?

A.—I suppose rules of that kind would come about by themselves.

(*Dr. Paranjpye*).—*Q.*—This is a possible protection for minorities ?

A.—Very possibly.

(*Dr. Paranjpye*).—*Q.*—I mean would you advocate the adoption of such a rule ?

A.—I for one would, as the least evil.

Q.—You said you had within the last few years somewhat bitter experience of manifestations of this communal spirit. Could you give us any illustration ?

A.—The newspapers—that is one, the chief one, and sometimes lectures on the platform.

Q.—Take for instance the sphere of education—you think there has been any tendency on the part of Muhammadans to be unjust or unfair to the claims of other communities, or is it merely that they claim more opportunities for themselves ?

A.—That of course is not a matter of opinion. What happened was that in one college the number of admissions were fixed. By fixing the number some people drew the inference that minorities were being excluded and the majority said "Instead of excluding them we are just wanting a bare representation" and so on. That is what happened actually—a certain proportion was fixed for admissions, in whatever light you like to take it.

Q.—Was it rightly fixed?

A.—My opinion is that it ought not to have been fixed at all. My opinion is that admissions ought to have been given to the best boy fitted for the profession, and that is the policy I followed in my educational institutions. I had some institutions under me—the Veterinary, the Engineering, the Agricultural—I did not enact any rule in that sense.

Q.—In the matter of grants to educational institutions, has there been any unfair discrimination?

A.—The rules have been changed; at first the rule was first come first served; now very likely the rule is communal distribution.

Q.—And does it work satisfactorily?

A.—I have no experience of that. It is only a recent thing.

Q.—You have been referred to the Instrument of Instructions to Governors. You have been referred to paragraph 6 of that Instrument. Do you think that that paragraph is consistent with the spirit of the Reforms?

A.—Well if it is read as enabling, certainly it represents the spirit of the reforms, but if read as restrictive then certainly it is not.

Q.—Don't you think the principle ought to be that the Governor ought to be guided and ought to follow the advice of the Minister unless he has reason to suppose that he does not reflect the opinion of the country or of the Council?

A.—I agree with that principle generally, yes.

Q.—At present this paragraph is liable to misconstruction?

A.—Yes, it can be read both ways.

Q.—So far as the transferred departments are concerned, don't you think the position of the Governor should be that of a constitutional Governor who should be guided by the opinion of the Minister except where he does not reflect public opinion?

A.—Oh yes, quite.

Q.—With regard to the Finance Department you think that they } interfere far too much with the other departments?

A.—They have got a notion that they must have their finger in every pie.

Q.—According to your conception of the Finance Department they should examine proposals for expenditure solely from the financial point of view?

A.—Quite so.

Q.—But in your experience has the Finance Department tried to over-step those limits or not, and have they or have they not taken upon themselves the task of criticising proposals on their merits?

A.—Yes they have.

Q.—That has been your common experience, and you think they ought to be confined to their legitimate function of examining proposals purely from the financial side ?

A.—Yes.

Q.—With regard to appointments, what is the procedure in your Government ? Is there any separate department as in some provinces ?

A.—No.

Q.—The proposals for appointments in your department, do they go through you to the Governor or do they go direct to the Governor ?

A.—Sometimes they have been going through us, and sometimes direct.

Q.—That, of course, is wrong in your opinion ?

A.—Yes, I have said that.

Q.—And as regards appointments generally, what is your idea—that the Minister should make the appointment or that the patronage should be in the hands of the Governor or go through the Minister ?

A.—Well if you have reduced him to the position of a constitutional monarch, then of course it does not matter if the proposals go to him ; but as long as you have not reduced him to the position of a constitutional monarch, certainly he ought not to have more power.

Q.—He ought to maintain the position of a constitutional Governor with regard to the Appointments Department ?

A.—With regard to all departments.

Q.—But so long as dyarchy lasts ?

A.—Certainly with regard to transferred departments. I say certainly with regard to that ; but personally I think he ought to be reduced to the position of a constitutional monarch.

(*Mr. Jinnah*).—*Q.*—You mean raised to the position as a constitutional monarch ?

A.—Yes

Q.—There has been no policy of joint consultation, or joint responsibility, at all in the Government ? Don't you think if a policy of joint consultation and collective responsibility between the Ministers had been enforced, and if the Government made it a rule that the Ministers must stick together or go out—don't you think that would have been more conducive to co-operation between the Ministers ?

A.—I do say the troubles would have been lessened. The question of more or less cooperation does not arise because the thing has been entirely absent.

Q.—At any rate, under the conditions I suggest there would have been some cooperation ?

A.—The whole thing would have been better and the present feeling in the Punjab which we have been talking about to-day would perhaps not have come into existence so much—perhaps not at all.

Q.—You say the Governor of a Province has now more powers than in pre-reform days—is that correct ?

A.—It is, in this sense—that if the Local Government has more power than before, the Governor who is the custodian of those powers, has also more power.

Q.—Hasn't some portion of that power been transferred to the Ministry?

A.—We have just been discussing that the Ministers have no power.

Q.—That has been your experience?

A.—I have sometimes used power, delegated power, by the good humour of the Governor or by rules.

Q.—Would you allow Secretaries to have any direct access to the Governor?

A.—No, they ought to be secretaries to the Ministers and Members, not secretaries to the Governor.

(*Mr. Chairman*).—*Q.*—Personal servants to the Ministers?

A.—I don't know what you mean by "personal".

(*Mr. Chairman*).—*Q.*—I mean appointed and dismissible by the Ministers. I mean they would hold their appointment at the pleasure of the Minister.

A.—The appointment ought to be with the concurrence, at any rate, of the Minister; and if it is left to the Minister, so much the better. You won't agree to that position?

(*Mr. Chairman*)—I only wished to get it clear.

Q.—You said the Government of India has been going back a good deal. Of course you are not able to give any instances

A.—I think you could do that better. That is the impression I have been getting from the speeches of gentlemen like you.

Q.—Do you mean that the Government of India do not carry out what they promise, or what is it?

A.—Well, that is what you have been saying. That is what the members of the Legislature have been saying. My impression is taken from the speeches and the proceedings of the councils.

Q.—True, but do you mean they have not been carrying out their promises, or is it a deterioration in the administration?

A.—I believe all that the members of the Assembly have been saying.

(*Sir Tej Bahadur Sapru*).—*Q.*—By all the members, do you mean both official and non-official?

Q.—You object to the Railways and the Income-tax Department being administered by the Central Government?

A.—Yes, I do.

Q.—But there are precedents for that—for instance in America, where the Federal Administration functions in certain matters.

A.—The illustration may be quite correct. But the question rests on two grounds, and whether those two grounds are valid or not. It does not depend on the question what other people do or do not.

Q.—I suppose you think that one result of the separation of the administration of income-tax might be for the administration to get out of touch with the local people?

A.—Yes, and I used the word "irresponsible". Reform really means that everybody is really responsible to somebody. At the present time

judging by the way in which Railways are administered and the collecto-
rates of income-tax are administered, they seem to be responsible to nobody.
That is what I want to avoid.

Q.—Not even to the Government of India ?

A.—In practice, they do not seem to be, though they may be in
theory.

Sir Arthur Froom.—*Q.*—I understand you disapprove of communal
representation in principle ?

A.—Yes.

Q.—And you would like to abolish it from the Punjab ?

A.—From all over.

Q.—You would like it to be abolished in all Provinces ?

A.—Yes.

Q.—You wish to be entirely consistent about it ?

A.—Yes.

Q.—You would apply the same to the Central Government ?

A.—Yes.

Q.—You will probably, for a very long time at least, have a Muham-
madan majority in the Punjab and a Hindu majority in the Central
Government ?

A.—Yes.

Q.—I think you told us that you have been 34 months in office as
Minister.

A.—Yes.

Q.—And you were disappointed ?

A.—Do you mean with the treatment I received at the hands of the Gov-
ernor ?

Q.—You had a general feeling of disappointment in your office ?

A.—I felt that I was really a square peg in a round hole.

Q.—Did you feel that you were doing no good at all ?

A.—I felt that.

Q.—Still you kept on in office ?

A.—I resigned several times.

Q.—You still kept on in office although you felt you were doing no
good at all ?

A.—As I said, my relations with the Governor were on the basis of
good humour and good temper.

Q.—You kept on for the social position ?

A.—I did a good deal of work.

Q.—Your work must have been good.

A.—Good or bad I don't know. Files came to me and I disposed of
them all. I had to study them, travel about and do a lot of work.

Q.—Do you consider your work was non-effective ?

A.—It was not for the good of the country. It was just the ordinary routine work.

Q.—Do you consider that any progress has been made at all in the Punjab since 1921 towards awakening the interests of the people in political matters and Government generally ?

A.—Some progress certainly, but not to a very large extent.

Q.—The reformed Council must have helped to do this ?

A.—Not only that. We sometimes tried to come in contact with them. We were a better class of people than the former rulers.

Q.—Don't you think that some further progress might be made in the way of awakening the political interests of the people if you continue the present system for another few years ?

A.—As time passes, I think it would.

Q.—I think in answer to a question you gave your opinion or made statement of fact that Europe was advancing towards democratic government ?

A.—Yes.

Q.—And you consider democratic Government is good for this country ?

A.—For the whole world.

Q.—You are not slavishly copying the West and applying it to the East ?

A.—There is no question of copying.

Q.—I take it from reading this memorandum of yours that you do not approve of dyarchy.

A.—Perfectly so.

Q.—Your constructive proposals are that there should be provincial autonomy in the Punjab ?

A.—Well, in other words, Dominion Government. You know the expression we generally use.

Q.—Which Dominion ?

A.—It does not matter whether it is Canada or Australia. We won't quarrel about it.

Q.—You don't think it will come yet ?

A.—I think it ought to. It is over-due. That is my view.

Q.—You would like to apply this further reformed Government at once—provincial autonomy in the Punjab ?

A.—I think it is over-due.

Q.—You think the people are ready for it ?

A.—Quite.

Q.—Although they have not taken very much interest in political matters ?

A.—I did not say that. I said that they are coming to know things better than they did before 1920.

Q.—I think in answer to a question—I am not sure whether it was by the President—you said that you did not see any reason for extending the franchise.

A.—I did not say that. On the contrary, I wanted adult franchise at once, both for men and women.

Q.—You want the franchise extended throughout the Punjab ?

A.—I want adult franchise, without regard to any sexual or communal or professional or educational restriction. There should be no disqualification.

Q.—You mean the ordinary man working in the fields should be entitled to vote ?

A.—The only condition that I attach to this suggestion is the management of elections. If the Government cannot manage elections on that scale, they can go on gradually. Otherwise, I want no restriction whatsoever.

Q.—That is very interesting. What is the total population of the Punjab ?

A.—Nearly about 20 millions.

Q.—Can you tell me the total of the electorate ? Can anybody tell me in round figures ?

— (It was mentioned that it was 6,27,000)

Q.—You say you cannot increase the franchise just now. With a population of 20 million and an electorate of 6,27,000 do you propose provincial autonomy for the Punjab ?

A.—I did not fix the franchise.

Q.—Would you call such a democratic government ?

A.—I wish it to be democratised.

Q.—You would rather wait before you can increase the franchise ?

A.—I want both things to be done simultaneously and at once.

Q.—We cannot do both at once.

A.—You can take a little time for doing it.

Q.—In your opinion, increase of franchise should come first ?

A.—Simultaneously ; that is the expression I used. I want both things to be done.

Q.—Supposing you cannot do them simultaneously ?

A.—Whatever you can do first.

The President then thanked the witness on behalf of the Committee when the witness withdrew.

The Committee then rose for the day.

Saturday, the 16th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. A. N. Surve, M.L.C., Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—Mr Surve, will you like to be examined publicly ?

A.—My hearing is rather defective. Therefore somebody should be made to repeat the questions. Otherwise, I will call my Secretary who may be made to repeat the questions put to me so that I can answer them.

(The Secretary of the witness was accordingly allowed to repeat the questions put to the witness).

(The Press also were allowed admission).

Q.—You are a member of the Bombay Legislative Council ?

A.—Yes.

Q.—From the beginning of the new scheme ?

A.—Yes.

Q.—Before that had you any experience in public life ?

A.—Not in a very large sense because I was working only in the interests of my community.

Q.—Were you a member of the Local Boards or Municipalities or bodies of that sort ?

A.—No. I am a resident of Bombay city and there are no Local Boards there. I was not a member of the Municipal Corporation.

Q.—You take a strong view of communal representation ?

A.—Yes, I support it.

Q.—You feel it is necessary in the interests of your community ?

A.—In the interests of my community it is not exactly necessary but some protection is needed.

Q.—You say in your note it is essential ?

A.—For a few years it is essential.

Q.—Would you allow it to anybody else but your own community ?

A.—Yes.

Q.—To the Muhammadans ?

A.—Yes.

Q.—You think that is necessary in the Bombay Presidency ?

A.—It is necessary not only for the Muhammadans but also for the Europeans. They are actually enjoying it at present.

Q.—And you think it is necessary for all minorities ?

A.—Yes.

Q.—I see you consider that the time has not yet come for the complete transfer of departments ?

A.—Yes.

Q.—You would retain at least the Police and Finance ?

A.—Yes.

Q.—But you would transfer land revenue ?

A.—Yes.

Q.—Are you a landholder yourself ?

A.—I am not a landholder I have got a small piece in my native place.

Q.—Would you say that you belong to the agricultural classes ?

A.—Personally, I do not pursue that occupation, but my relatives and all my community people do it.

Q.—You see no danger of the transfer of land revenue ?

A.—I do not see any.

Q.—Although you are of the view that communal representation is necessary, yet you are prepared to hand over land revenue under those conditions ?

A.—Yes.

Sir Muhammad Shafi.—Q.—In connection with the question of communal representation I understand your position to be that in carrying out the pledge embodied in the preamble to the Government of India Act Parliament should bear in mind the necessity of granting to India not only responsible but also representative government ?

A.—I support the preamble.

Q.—Yes, but should the future Government be only responsible or also representative Government, a Government representing all interests ?

A.—I do not see what is meant by future Government ?

Q.—When responsible Government is granted to India would you be content with that, or would you require that Government to be representative of all interests in the country ?

A.—I would certainly require representative Government.

Q.—Representative of all interests in the country ?

A.—Yes.

Sir Tej Bahadur Sapru.—Q.—Throughout your memorandum you use the words backward communities. Have you used that expression in contradistinction to depressed communities ?

A.—I include the depressed classes among the backward classes.

Q.—Among the backward classes you have included Jains. I should have thought that the Jains were far from backward. They are very progressive people and they are doing very well in commerce and trade. Do you seriously maintain that the Jains are among the backward communities ?

A.—The Jains in the southern division, though they may be very prosperous in trade, are educationally not very advanced and if I have insulted them by using the word backward I am really very sorry, but I am not of that opinion.

Q.—Take for instance the Marwaris. Educationally they are nothing compared to you and me, but in the riches of the world they will beat any one of us here ?

A.—Riches was not the point which I had in my view. A person may be very rich, but for political advancement I base my view on the progress of education. If they are educated they will be in a better position to administer their country than simply as rich men.

Q.—Then I take it that the principle that you have adopted in drawing up your memorandum is that communities which are not sufficiently educated require protection ?

A.—Yes.

Q.—It is not based on any religious considerations ?

A.—No. I have not given any importance to that point.

Q.—Now, what is exactly the position in the Bombay Presidency of the Lingayats ? Will you please explain it to the Committee ?

A.—Lingayats, as far as my knowledge of them goes, are confined only to the southern division and there too in a few districts—not all of the districts of the southern division.

Q.—What do you think is the numerical strength of the Lingayats in the southern division ?

A.—I have not studied the point in that respect. I do not know their exact number.

Q.—Am I wrong in assuming that among the Lingayats too there have been graduates and under-graduates ?

A.—There are.

Q.—Quite a number of them ?

A.—Not a number of them, but there are a few.

Q.—And there are millowners too among the Lingayats ?

A.—There may be, but I do not know about it.

Q.—Then so far as the Lingayats are concerned, what are the religious disabilities from which they suffer so far as the general Hindu community is concerned ? Are there any religious disabilities which have been imposed on them ?

A.—I have no personal information about them, but in the papers I have read that the Lingayats have some religious differences. The other people do not allow them to practise the precepts of their religion according to their own fashion.

Q.—Am I right in assuming that the Lingayats are generally what are known as Sivaites ?

A.—I think they are.

Q.—They are Sivaites ?

A.—Yes

Q.—And principally their differences in regard to rituals are with reference to the Vaishanavites ?

A.—Yes.

Q.—That is all ?

A.—Well, there are religious differences, and Vaishanavites and Sivautes are religious sets which are quite at variance with each other.

Q.—In regard to rituals and mode of worship ?

A.—Yes.

Q.—Similarly, there are differences of religious worship and rituals between the Hindus and Jains ?

A.—Yes

Q.—But as regards the Hindus and Jains are you aware that inter-marriages do take place between them and have always taken place ?

A.—The idea of reform is spreading.

Q.—I am only trying to find out the position with reference to the general community.

A.—I have not been aware of any intermarriage.

Q.—You are a practising lawyer ?

A.—Yes.

Q.—Are you aware of any decisions of the Bombay High Court where such marriages have been upheld ? The Bombay High Court are very strongly committed to that view, that marriages between Jains and Hindus are perfectly valid ?

A.—They may be valid. That is the High Court's decision. But the question is whether the community at large follows that particular kind of marriage—that is the point. Among the Brahmins they have inter-married with European ladies. Because there are exceptions you cannot say that that exception must be made applicable to the whole community at large.

Q.—Take, for instance, the Jain Agarwals, or Oswals, and Agarwals and Oswals who are not Jains. Is there anything in the law or in practice to prevent a Jain Agarwal or Oswal marrying a non-Jain Agarwal or Oswal ?

A.—I do not know all the particulars of these communities.

Q.—What is exactly the position of the depressed classes in your part of the Bombay Presidency ? Who are the people whom you look upon as depressed classes ?

A.—Well, there are several sub-sections, such as the Mahars, the Chamars, and Bhangis there are many—but I think the Mahars form the largest community in the Bombay Presidency. As far as their education is concerned, since the reformed councils we have made some progress. The Government has issued a circular that if any school does not admit a student belonging to the depressed classes, that fact will be taken as sufficient ground to take off the grant. Similarly, a resolution was passed in the Bombay Legislative Council whereby the wells and springs are thrown open simply as a matter of a resolution—to the depressed classes. That resolution applies only to those wells and springs which are maintained at the expense of the Government or local bodies.

Q.—You said that the Government has issued a circular removing some of these disabilities ?

A.—Yes

Q.—Which part of the Government ? The reserved half or the transferred half ?

A.—I should think the transferred half. My friend, Dr. Paranjpye was instrumental in doing that.

Q.—When this resolution which you have just referred to was moved in the Legislative Council, was there any opposition on the part of the orthodox members to that resolution ?

A.—Oh, yes.

Q.—How many ?

A.—Many speakers spoke against it and the resolution as it was drafted was very wide I suggested an amendment by which its operation was restricted and Government accepted that amendment.

Q.—And then what was the attitude of the other non-official members to your amendment ?

A.—When it was accepted by the Minister representing Local Self-Government they did not press their objection.

Q.—You are satisfied that some progress is being made with regard to these backward communities in regard to education ?

A.—Yes.

Q.—And do you look forward to further progress in the near future ?

A.—Yes. We have actually adopted several measures

Q.—Are there any private agencies working for the amelioration of the depressed classes in the Bombay Presidency ?

A.—There are.

Q.—Will you kindly give us their names ?

A.—The Depressed Classes Mission. The All-India Depressed Classes Mission is one. It has its headquarters at Poona

Q.—Who is running the Depressed Classes Mission ?

A.—I think it is run by public contributions But the Maharaja of Gwalior has given a large donation.

Q.—You mean the Maharaja of Indore ?

A.—Yes, Indore. Some Maharaja has given a large donation, and there are other institutions which are run by the members of the community themselves.

Q.—Do you agree with me in saying that there is some awakening of public conscience in regard to this matter in the Bombay Presidency ?

A.—Yes.

Q.—And there is no desire either to shut your eyes to it or to minimise the danger ?

A.—I have not perfectly understood your question

Q.—Is there any desire on the part of the Hindu community at large to shut their eyes to the problem or to minimise the seriousness of it ?

A.—Well, the general public do not oppose it But let me explain this. Take, for instance, the resolution regarding the wells and springs which we have passed in the council. Now, that resolution has been sent to the local bodies, that is, the Municipalities and local boards in the districts, and the Municipalities and local boards have been raising a lot of objections So that resolution, though we have passed it in the council, has not yet come into force. So I cannot say that the public do not oppose the legitimate demands of the depressed classes ; if they can they will certainly oppose them.

Q.—How many representatives of your community have you got in the council ?

A.—Do you mean the Mahratta community ?

Q.—I am talking of the backward communities that you mentioned in your note, Mahratta and the allied castes

A.—If you take the strict definition like that, the members are very few , they are not more than 10 or so.

Q.—Have you got any Minister in the Bombay council representing these castes ?

A.—At present a member of the Mahratta and the allied castes is holding the office of Minister of Education.

Q.—Mr. Jatkar you mean ?

A.—Mr. Jadhav.

Q.—Have you brought to the notice of the Minister that the local boards and municipalities have not given effect to that resolution ?

A.—It does not fall in his province, because he is the Minister of Education.

Q.—Then who is the Minister in charge ?

A.—The Minister in charge of Local Self-Government, is Khan Bahadur Ghulam Hussain Hidayatullah.

Q.—He is a Muhammadan ?

A.—Yes.

Q.—Therefore he should be absolutely impartial in regard to this matter ?

A.—Yes.

Q.—Have you brought it to his notice ?

A.—We have been asking him questions and the matter is still under consideration and correspondence.

Sir Arthur Froom.—*Q.*—Mr. Surve, what is your opinion of dyarchy shortly ?

A.—If I am to answer that question with regard to my own province, I think that dyarchy has on the whole worked satisfactorily. If you want I can give you my reasons.

Q.—That will do, thank you. You remember the party of Non-co-operators which was formed say in the beginning of 1920. Would you consider that among that party there were many men of position and ability ?

A.—Yes, I do admit it.

Q.—And then afterwards there was a split and another party was formed called the Swarajist Party which entered into the present councils. That is correct ?

A.—Yes

Q.—Would you consider that there are many men of good position and ability in the Swarajist party ?

A.—Answering your question from the present composition of the Bombay Council I will say that among the Swarajists there are some who are educationally very advanced and of good position. But there are others who possess neither of these qualifications.

Q.—Do you consider that dyarchy in Bombay has had all the fair trial which it should have had ?

A.—Since the Non-co-operation party has not tried it, I cannot say that all shades of opinion have tried dyarchy. But those who are Co-operators have tried it and from that point of view, I can say that there was some trial given to it.

Q.—My point is during the first Legislature of Bombay under the reformists a number of men of ability and education and political education stood aside.

A.—Educated men belonging to the non-co-operation section were out. But other members—take for instance the Liberals and among them there are many educated people, many people having good stake in the country, they were in the council. They have given it a fair trial.

Q.—Then in the present council the Swarajist party would not accept any office. Is that correct ?

A.—At the outset it was so, and from the reports I have read in the papers about their proceedings they had started with the expression that they would not accept any office, but at present I have been finding that they have been accepting office in some matters. Take for instance the appointment of members to the Railway Board. All the members who are appointed are from that party.

Q.—Which Railway Board you mean ? The Local Railway Advisory Council ?

A.—Advisory committees.

Q.—Of both the big railways ?

A.—Yes of three railways. Again in some of the Select Committees they have gone in and also in other committees appointed by Government.

Q.—They have served on some Select Committees ?

A.—Select Committees on Bills.

Q.—Do you gather from that that perhaps the Swarajist party have come to the conclusion that as an intermediary stage dyarchy may not be so bad after all ?

A.—I cannot say what their attitude is, but judging from the softening I think they might in the Bombay Presidency consent to give it a trial. That is my view. I do not know anything about their attitude on the question.

Q.—I put it to you that by virtue of these Non-co-operators in the first legislature and then the position which Swarajists took up at first in the second legislature by not accepting office, I put it to you that dyarchy may be considered not to have had as fair a trial as it could be wished for ?

A.—I have not understood you.

Q.—At the time of the first council there were Non-co-operators ?

A.—Yes, there were Co-operators in the first council.

Q.—A number of men of education classed themselves as Non-co-operators and did not come into the first council ?

A.—Yes.

Q.—In the second council there was the Swarajist party who at the start refused to take any office ?

A.—Yes.

Q.—Do you consider that I should be right in forming the opinion that from these two causes dyarchy has not had the fair trial that it might have had ?

A.—Yes.

Q.—Then I understand that as an intermediary stage, Mr. Surve, you are not altogether opposed to dyarchy as an intermediary stage ?

A.—I am not opposed to it.

Q.—And you are opposed to entire provincial autonomy being given at the present time ?

A.—Yes.

Sir Sivaswamy Aiyer.—*Q.*—Mr. Surve, you represent the Maratha and other allied castes ?

A.—Yes.

Q.—May I know what the other castes are ?

A.—There is a long list of them. There are the Marathas, Bhandari,

Agri and other castes.

Q.—How many castes are there allied to the Marathas ?

A.—I can give you the exact list if you want.

Q.—How many are there ?

A.—There are about 31 castes. (After reference to record).

Q. Will you let me have a look at it ?

A.—Yes. Maratha means a person belonging to any of the following castes. (The book was handed to Sir Sivaswamy Aiyer).

Q.—How many seats are allotted to these castes ?

A.—7.

Q.—And your definition of a backward community is one which is backward in education ?

A.—Yes.

Q.—It does not mean untouchable ?

A.—No.

Q.—It does not mean depressed ?

A.—It does not.

Q.—No depressed classes are included in the term Maratha ?

A.—No.

Q.—All these various castes which are included in the term Maratha, are they all equally advanced in education ?

A.—No.

Q.—Do you think that the principle of communal representation has been carried sufficiently far or do you think that the less educated castes in your community require separate representation ? Some are more educated ; some are less educated in these Maratha and other allied castes. Don't you think that there should be separate representation for these less educated castes according to your principle ?

A.—The thing is like this. Among the term Maratha and the allied castes these castes are not at variance with each other and the percentage of literacy among them is so low as 3.6 per cent. as against 15.6 of the advanced Hindus.

Q.—Do they inter-marry ?

Q.—Not all. They do not inter-marry.

Q.—There are less educated castes among the Mahrattas ?

A—Yes.

Q.—Do you think that they require separate representation to safeguard their interests as against the more educated castes among you ?

A—No.

Q.—Why ?

A—Because these castes are not at variance. They consider that they are more or less on the same level ; and therefore as regards their educational facilities if one class gets them, automatically the others also get them ; and if you extend the principle of reservation of seats to the less educated, then no practical good would be achieved out of it, because there are only 7 seats. At present there are not many men who are sufficiently educated among them who can come in.

Q.—Don't you think that the members of those castes should be represented by members of their own communities ? Would you deny separate representation to them on the ground that they have not sufficiently educated men to send in as representatives ?

A—I do not deny them anything. I have already told you that their number is not quite so large as to entitle them to separate representation. Besides whatever is obtained in the name of the backward classes is naturally shared by them.

Q.—You think that the principle of reservation of seats leads to healthy rivalry between the different castes. Will it not promote healthy rivalry if the various castes included in this group had a separate representation ?

A—The reserved seats are only 7 and there are, I think, nearly hundred castes in the backward communities. So, how can you divide these 7 seats into hundred castes. That is one reason for not giving separate representation. The second reason is that some of these castes are numerically very small. The third reason is that amongst the numerically small castes there are not persons of sufficient education. For these reasons you cannot say that these castes which are not enumerated here should have reservation of seats. There is another thing. The Government has already the discretion to add any number of castes to this list. So, if there is any other community which requires to be included among the Mahratta and allied castes, they can apply to the Government and get themselves included in that list. I think it was only in the last January or thereabouts that one caste known as Agri or Agale was added to that list.

Q.—In the last Council and the present Council, by members of which caste was this group represented ?

A—Through the general electorate

Q.—So far as these reserved seats are concerned, were they represented by the Mahrattas or by any of the other castes ?

A—They were represented by other castes also. I am not a Mahratta myself. I am a Bhandari.

Q.—You think that there must be a limit to the logical application of the principle of communal representation ?

A—Yes, there must be.

Q.—You reach a stage when it becomes impracticable. Another reason is that the interests of the less educated are safe in the hands of the better educated. Speaking for your group, I think I am right in assuming that the interests of the less educated are safe in the hands of the better educated and it is impracticable to give communal representation to everyone of them. Are not those your two grounds ?

A.—Yes.

Q.—You say that the advanced communities have not dealt fairly with the backward communities ?

A.—Yes.

Q.—Whom do you class under the term "advanced communities" ?

A.—Those who are educationally advanced. For instance, the Brahmins and the Kayasthas.

Q.—Are there many Kayasthas in your province ?

A.—Yes ; they are called Prabhus.

Q.—Who are the other castes ?

A.—Saraswats

Q.—You call these the advanced communities ?

A.—Yes.

Q.—You state in your Memorandum that had the advanced communities dealt fairly with the masses, the illiteracy and backwardness that is evident through the length and breadth of the presidency would have become conspicuous by its absence several generations ago.

A.—Yes.

Q.—Were the members of the advanced communities in a position to advance the education of the backward classes, or were they responsible for it, or were they in power to do so ?

A.—Had they thought or had they wished, they could have helped us in our advance. I can give you a concrete instance. The Local Boards have been in existence for many years. But the schools which are maintained by them are generally found in those places where the Brahmin caste is predominant, that is where there are more inhabitants belonging to that caste. Whereas in other villages, though their population may be much larger, if the Brahmin element is absent you will not find any school.

Q.—Have the advanced communities ever opposed the amelioration of the backward communities or their education ?

A.—They have not openly done so.

Q.—Is there anything to show that they have covertly done so ?

A.—Yes. All these officers, who had the authority of opening schools in the villages, were all Brahmins.

Q.—Till the introduction of the Reforms it was the Government that was responsible for the well being of all the classes ?

A.—Yes.

Q.—Then whose fault is it that the backward classes have not made sufficient progress in education ? Is it the fault of the Government or the fault of the people who had no share in the Government ?

A.—My argument is that if the advanced communities have worked in their self-interest they could have as well worked in the interests of the persons who were not quite so favourably situated.

Q.—But the advanced communities had no power ?

A.—How can it be ? They had the power which they used in the advancement of their own interests.

Q.—You say that the advanced communities have monopolised the Government appointments and so on in the public service ?

A.—Yes.

Q.—Does that not to some extent depend upon education itself ?

A.—It does depend upon education. But my answer to your objection is that even among the backward classes at present there are men of sufficient education. My experience has been that if there are two persons holding similar educational qualifications, it is always the Brahmin who gets the appointment and the Non-Brahmin is left out.

Q.—Do you mean to say that, though the educational qualifications are similar, a member of the backward community is passed over in favour of the advanced community ?

A.—That is what I say.

Q.—Is it not directly contrary to the policy of the Government which has been followed hitherto ?

A.—The Government have laid down their policy that there should be an admixture of castes ; but in practice all these Government orders remain on paper. I can give you a concrete instance. Since the year 1923 in one of the departments of the Secretariat 29 vacancies occurred, out of which about 22 were given to Brahmins and 7 to the members of other castes. This was the answer given to me by the Government in the last session.

Q.—Taking the fact that the number of the educated men in one community is much larger than the number of educated men in another community, would that not to some extent determine the proportions in which the appointments have been given ? Would it not have a bearing upon that question ?

A.—If the Reforms were not introduced, the members of the backward communities would have remained in the same old condition. During the past several years, even before the Reforms, there has been some progress in education even among the backward communities and our contention is that as compared with their numerical strength the Brahmin community outnumber very greatly the backward communities in the public services. We had therefore even moved several resolutions in the last Council recommending that until the balance is restored there should be no further recruitment from the advanced classes but that it should be confined to the backward classes. That Resolution was not accepted by the Government and it was also defeated. That is however another matter. Our contention is that in order to have a fair admixture in the public services the Brahmins should not be recruited for a few years to come.

Q.—Do you want men of your community to be recruited irrespective of their educational qualifications ?

A.—No. On the other hand, people having better qualifications than the Brahmins have been shut out in the past.

Q.—Are there any instances of that kind ?

A.—Yes, there are.

Q.—Has there been any opposition on the part of the Legislative Councils after the Reforms to the amelioration of your community ?

A.—When we moved our Resolution in the Legislative Council, there were certain gentlemen who objected to it on the ground of inefficiency.

Q.—Was it opposed ?

A.—It was opposed.

Q.—On what ground ?

A.—On the ground of inefficiency

Q.—Not on the ground of community ?

A.—No.

Q.—And in your opinion that ground of inefficiency is unfounded ?

A.—Yes, it is unfounded.

Q.—Do you think if the principle of joint responsibility had been enforced upon the Ministers, it would have promoted party organisation ?

A.—I think so

Q.—You say in one part of your supplementary memorandum that compulsory retention in provincial employment of men belonging to the all-India services is a heavy drain on the Provincial treasury and needs satisfactory solution at an early date. I suppose you would turn them all out ?

A.—Not in the least ; what my meaning in that paragraph is that under the arrangement with the Central Government, it is compulsory upon us to maintain a fixed number in our service whether we require them or not. Because that arrangement is there, we must find work for them. My meaning is that there is no real necessity for so many of them. We must have the option of representing to the Government of India that we do not require the services of some of these gentlemen, and that they should be recalled and sent to some other services

Q.—Are you in favour of employing some all-India service men in the Province ?

A.—I am in favour of employing only as many as are really needed. My point is that some supernumerary men are employed and we have to pay for them.

Q.—Is it in any particular service or in all the services ?

A.—In all the services, but especially in the I. C. S. Even in other grades we have men that we do not want. I can give you one particular instance. We have in Bombay the Veterinary College. There the two gentlemen, the Principal and his assistant get something more than Rs 25,000 per annum, whereas the other staff gets, I think, even less than that.

Q.—Do you complain of the Meston settlement ?

A.—Yes, I do.

Dr. Paraniuve.—*Q.*—You belong to the Bhandari caste ?

Q.—Are people of your caste able freely to inter-marry with Mahrattas ?

A.—No.

Q.—Not even inter-dine ?

A.—Yes.

Q.—Do you think there is any logical foundation for this classification of non-Brahmins ?

A.—Personally I don't, because the term non-Brahmin includes even Christians, Parsees, Jews.

Q.—Leaving aside these, is there anything which is common to all these castes as opposed to Brahmins ? Taking all these castes you have mentioned, are the differences between these castes and the Brahmins greater than the differences between some pairs of these castes ?

A.—In that way I can say that all the 31 castes mentioned are subject to Brahminical influence. That is the common factor among all.

Q.—But don't you think there are great internal jealousies and rivalries between these various castes themselves ?

A.—You mean the Maharattas are opposed to Bhandaris ? I am not aware of that.

Q.—Do you think in your various non-Brahmin organisations the Maharattas are generally against including members of other castes ?

A.—I am not aware of that. On the other hand there is the Deccan Rayat Association and the Non-Brahmin League, which includes all the non-Brahmin Maharatti speaking people.

Q.—I would like you to consider the last election for the Central Division for the Legislative Assembly. You have said in your supplementary memorandum that there were two candidates from the backward classes. On what ground was one candidate, who was a member of the last Assembly, opposed by another candidate ?

A.—I do not think the communal question could have entered into his head. Every person has a right to come forward as a candidate. Simply because a Mahratta and a Shimpi came there together, that does not mean there is jealousy between the Shimpi and the Mahratta castes.

Q.—I suppose you read several of the non-Brahmin papers ?

A.—I do not read them all ; some I do.

Q.—Have you not ever observed one candidate being opposed because he is not a Mahratta ?

A.—I have not heard about it.

Q.—But at any rate you admit that of the two candidates who stood for the Legislative Assembly from your Non-Brahmin allied classes, one was a Mahratta and the other was a Shimpi, and because these two candidates opposed each other and divided their votes, neither of them was able to be returned ?

A.—That was not the only thing , their organisation may have been faulty.

Q.—The candidate who was accepted for the Legislative Assembly secured votes which were far less than the sum of the votes secured by these two together ? If one of these candidates had stood out, you would have been able to get a representative in the Assembly ?

A.—We might have, but I say if both had organised their electioneering campaigns on a better footing, both might have come in.

Q.—Don't you think that in the electorates these communities have a vast majority of voters ?

A.—I think in some of the districts the Mahrattas and allied castes far outnumber the other castes.

Q.—What is the attitude of the Mahrattas and allied classes towards the depressed communities ?

(*Mr. Chairman*).—Q.—Backward classes ?

A.—It is very sympathetic.

Q.—Have you had occasion to read, at least occasionally, a paper called *The Mukhanayak* ?

A.—Yes ; its issue is stopped at present.

Q.—During the last three years you have had occasion to read it ? Who is the Editor ?

A.—Mr. Gholap.

Q.—To what class does he belong ?

A.—Mahar.

Q.—Have you seen in the *Mukhanayak* examples in which the depressed classes suffered as great injuries from the Patels as from the Kulkarnis ?

A.—He used to supply some instances, but those instances may have been the result of individual attitude of the particular person.

Q.—But at any rate, so far as the depressed classes were concerned, the *Mukhanayak* at any rate considered the attitude of the Kulkarni, who is generally a Brahmin, and that of the Patel, who is a Mahratta, as practically the same ?

A.—What I said is that he used to collect instances and publish them. From those instances you cannot infer that the whole Mahratta community was against the depressed classes.

Q.—From that point of view you cannot make any inference about the Brahmin attitude towards the depressed classes ? If you cannot make an inference from a number of instances in one case, you cannot make an inference from a number of instances in another case. Therefore if the Brahmin attitude is supposed to be unfavourable, you must also conclude that the attitude of the other class is unfavourable ?

A.—It is not unfavourable because we of the Mahratta and allied classes generally treat these classes very sympathetically. Besides Brahmins number only about 4 per cent of the entire population and yet the instances cited about their oppression far outnumbered the instances of Marathas who number about 50 per cent. of the total population.

Q.—You referred to a resolution passed in the last Legislative Council about the admission of the depressed classes to all public conveniences like wells and schools and so on. You said that was opposed ?

A.—Yes, it was opposed.

Q.—It was opposed on what grounds and by whom ?

A.—On the grounds that the habits and ideas of the community at large had not sufficiently advanced.

Q.—Do you remember one of the most effective speeches made against that Resolution was by a Marwari Member ?

A.—Yes, Mr. Rupchand Motiram.

Q.—He had no taint of Brahminism in him ?

A.—He was practically, I think, giving expression to ideas which were current among the people where he lived.

Q.—So you think anybody who opposed it was really put up by Brahmins ?

A.—No, I never said so.

Q.—You said he was putting forward ideas which were current. You cannot attribute these ideas only to the Brahmins, can you ?

A.—No. But we treat the depressed classes sympathetically.

(Mr. Chairman)—The witness has answered the question put to him.

A.—Yes.

Q.—The backward classes do not say that we should do away with untouchability ?

A.—So far as current ideas go ; but we do say that their natural rights should not be overlooked. Now, for instance, there is the case of a public well. A Brahmin as well as a member of the depressed community pays taxes and cesses, therefore if one community has the right to draw water, so should the other.

Q.—I quite understand that position, but is that position accepted by all the members of your castes and acted up to, or is the opposition only on the part of Brahmins ?

A.—It is not only on the part of Brahmins.

Q.—Do you remember when this Resolution was sent to various local bodies, several of the non-Brahmin members of those local bodies opposed that Resolution ?

A.—I am not aware of that.

Q.—Have you heard of the instance of the Karad Municipality ?

A.—I have not.

Q.—Will you take it from me that when a Resolution was moved most of the Non-Brahmins opposed it, and it was moved by a Brahmin ?

A.—I do not know that but if you say so I accept it.

Q.—Do you remember the case in the Poona Municipality ?

A.—I have some faint idea of having read about it in the papers.

Q.—Who was the man who moved it ?

A.—Mr. Bhopatkar.

Q.—He was a Brahmin ?

A.—Yes

Q.—And it was opposed by ?

A.—By the general members.

Q.—Not necessarily by the Brahmin members ?

A.—No.

Q.—Now what are the communities that are included in the depressed classes—Mahars, Chamars, Mangs, etc., etc.?

A.—Yes

Q.—You know that there has been during the last few years a few depressed classes hostels opened for secondary schools students of these classes?

A.—I do know.

Q.—And that there have arisen difficulties in these hostels in the way of management? Can you give us some account of those difficulties?

A.—I think the Mahars and Mangs raised the distinction that one was superior to the other.

Q.—The point I wish to emphasise is that even among these depressed classes caste distinctions are very strong. The Mahars would not eat with the Chamars or Mangs?

A.—Yes.

Q.—And the Chamars wanted a certain number of seats in the hostel reserved for themselves?

A.—I do not know that

Q.—Well you can take it from me. Now do you think Government under the Reform Councils did a good deal for these depressed classes?

A.—Yes, I do admit it.

Q.—Now you make a great point about the reservation of seats for the Non-Brahmin classes, the Maharratis and allied classes. You have given us a very interesting return of these. Can you tell me whether the condition of reservation is really required now-a-days?

A.—It is.

Q.—Well we shall go over the list. Consider the last election. In Bombay City, North, where there is a seat reserved for Non-Brahmins, as a matter of fact without this reservation two of you would have come in?

A.—Are you speaking of the last election?

Q.—I mean the 1920 election, when not only you would have come in but another Non-Brahmin?

A.—We did actually come in but those were Non-co-operation days.

Q.—In 1923 it is only in your case that the condition of reservation was actually required and in no other case all over the Presidency. Nobody came in simply because a seat was reserved?

A.—Yes. Excepting the uncontested reserved seats.

Q.—Now in 1920 you say there was no candidate for the reserved seat in the Thana district. Do you know that on that occasion one candidate was canvassing till almost the very end?

A.—In which election do you mean?

Q.—In 1920. One candidate was canvassing for the seat till nearly the very end, but at the end he suddenly became a Non-co-operator and withdrew from his candidature?

A.—I don't know that.

Q.—Well again taking your list.

(The examiner here referred to two other cases in the Ahmednagar and Nasik districts respectively.)

(*Mr. Chairman*).—Q.—Can't you put your question in a general form ? I understand your contention is that at this election with the exception of Bombay North, Non-Brahmins came in.

Q.—In the last election no reservation was at all required.

(*Mr. Chairman*) —Q.—Well, can't you put it in a general form ?

Q.—In the election of 1920 even without the reservation, members from your community would have come in ? Take the Poona district. There Mr. Kalbhor topped the list ?

A.—Mr. Kalbhor got 235 votes.

Q.—You are absolutely wrong in the numbers ; he got something like 2,038.

(*Mr. Jinnah*).—Q.—That is true but that is due to the fact that there was Non-co-operation.

(*Mr. Chairman*) —Q.—Why take it in detail ?

Q.—Well, I shall come to the last election. Take the election of 1923 You find there that while 7 seats were reserved for you, you actually got 11.

A.—Yes

Q.—And out of this, if there was no reservation, only yourself would not have come in ?

A.—I think there are other instances.

Q.—Who are the others ?

A.—Take for instance the Nasik district ; there was no contest so how can you say ?

Q.—No contest means they came in

A.—Because there was no other candidate If there was to be no reservation, then that seat in the absence of the candidate himself would have gone to some one else as in the case of Thana in 1920.

Q.—My point is that if they put forward a candidate, the number of voters from their community is so large that they can easily come in without any reservation—that the number of voters from your community is so large that if candidates from your community do stand, with a little organisation they can always come in.

(*Mr. Chairman*).—Q.—Do you accept that ?

A.—No, I do not accept it.

Q.—Now coming back to Bombay City, North, what interests are there specially of the Non-Brahmin classes ?

A.—There are various interests.

Q.—What are they—economic or otherwise—I want you to tell me.

A.—Well, there are industrial interests, there are educational interests. These are two items.

Q.—Well, take the industrial interest in Bombay. The Non-Brahmin classes generally form the labour population—a large part of the mill labour population comes from the Non-Brahmin interest. Now don't you think it right that the labour interest should be represented not necessarily by a man belonging to that particular community but by one who has taken a keen interest in labour matters ?

A—I don't subscribe to that view, and the instance of Bombay is before us.

Q—Have you taken any interest in labour matters yourself?

A.—I have.

Q—In what way?

A—I generally enquire about their grievances.

Q—Are you connected with any labour organisation?

A—No

Q.—One of the candidates opposed to you, although not belonging to the backward classes, did actually take part in labour organisations—Mr. Baptista?

A.—Well, he did.

Q—So that if the Non-Brahmin voters thought it possible that Mr. Baptista was better it was not so very unreasonable at any rate for him to represent their interests?

A.—But Mr. Baptista will not be present at all the elections. If he happened to be there, that was an accidental circumstance. He was not a candidate at the first election.

Q—I am only talking of the last election. Seeing the interests of the Non-Brahmins in Bombay are mainly industrial and labour, it is not unreasonable for them to prefer Mr. Baptista to you because Mr. Baptista has taken a great interest in labour questions?

A.—By that do you mean that because Mr. Baptista secured more votes than I did, therefore he was supported by the Non-Brahmin industrial electorate?

Q—I do not say anything at all. I say that from the number of votes he got it is possible.

A.—It is not possible at all. In the case of Mr. Baptista I may tell you that he was supported by his own community.

(*Mr. Chairman*)—Q.—I think we have had enough of Bombay North.

Q—Well, how many seats are there to which Brahmin candidates from the Deccan can possibly get elected?

A.—Take away the reservation and all of the candidates who would be returned would be Brahmins.

Q—You answered in reply to a question put by Sir Sivaswamy Aiyer that the local boards have been unmindful of the interests of your class so far as schools are concerned.

Q—You know that the opening of new schools is in the hands of the Inspectors?

A.—Yes.

Q.—And the Inspectors were generally Europeans till two years ago?

A.—But who are the deputies? That is the question.

Q.—The Inspector is the final authority?

A.—The deputies are the persons who generally recommend these schools. The Inspector does not visit each and every village and he accepts what is stated by the deputies who are always Brahmins.

Q.—Would the Brahmins be able to command a majority in the Council under any circumstances? After all there are 11 Districts in the Deccan. Taking an average of 2 seats, they can at the most get 22

seats. Would they be able to command a majority in the Bombay Legislative Council ?

A.—From that view they won't.

Q.—Take the Southern Division now, in which the large majority of the people are Lingayats. Brahmins and non-Lingayats form 20 per cent. of the population and the Lingayats form the rest. Do you think that the non-reservation of seats has done any harm to the Lingayats in the Southern Division ?

A.—Lingayats do not enjoy reserved seats. As a matter of fact you will see that in the election of 1920 there were more Lingayats than there are at present. That was only because they have no reserved seats.

Q.—So that, although the Lingayats are in your opinion backward in education, on account of their numerical preponderance they were able to carry every seat in the Canarese Districts in 1920 ?

A.—Yes. The question there was that in the case of Mr Chickodi and Mr Chougule there was no contest at all. They were elected because there was no contest. They were elected because there were no other candidates.

Q.—In the election of 1923 there was only one Brahmin that was elected out of five seats ?

A.—Yes.

Q.—Out of 2 seats in Dharwar, 2 in Belgaum and 1 in Bijapur, only one Brahmin in the Dharwar District was elected and all the remaining seats were held by Lingayats or Non-Brahmins ?

A.—Yes.

Q.—So that, reservation is not required for numerically preponderating people ?

A.—I do not think that all those districts enjoy the privilege of reservation of seats.

Q.—Non-reservation has not done any harm to them ?

A.—Simply because they have the preponderance.

Q.—That is exactly what I want to point out.

A.—You must accept this also from me, that it depends upon the electioneering campaign that is arranged by the candidates. If they do not conduct their campaign well, they are defeated.

Q.—You say that the Non-Brahmin classes are agriculturists ?

A.—Yes.

Q.—You come from Ratnagiri District—my own district ?

A.—Yes.

Q.—Do you know that Brahmins in Ratnagiri District are also agriculturists ?

A.—Some of them are.

Q.—What other profession have they got ?

A.—Some of them do money-lending business, pleaders.

Q.—Everybody practically is an agriculturist ?

A.—Others are priests.

Q.—As you know, priests always have their own lands at the same time ?

A.—Yes. But they may give it out on rent.

Q.—As regards educational facilities, have any restrictions been placed in the way of Non-Brahmins under the rules either under the pre-reform government or under the post-reform government ?

A.—There were no restrictions placed.

Q.—They never have been placed ?

A.—No restrictions have been placed, but they generally find themselves shut out. Take the admission to some of the educational institutions. For instance, the Medical School at Poona or the Victoria Jubilee Technical Institute or the Medical College. If the Non-Brahmin students were not given the privilege of reserved admission, they find it difficult—almost impossible—to get into these institutions.

Q.—I quite admit that in open competition possibly the Non-Brahmins fall down. Because in these institutions the number of possible admissions was less than the number of applicants, the Non-Brahmins did not succeed in the competition, but at any rate there were no restrictions placed on them ?

A.—No.

Q.—During the last three years special facilities have been given to them for admission ?

A.—Yes.

Q.—Both for the Non-Brahmins and for the backward classes ?

A.—Also for Muhammadans.

Q.—But not for the advanced classes ?

A.—No. They do have whatever they enjoyed before.

Q.—They have been enjoying more under the reformed Government ?

A.—I have been speaking that the advanced classes used to enjoy some facilities in pre-reform days.

Q.—In what way ? What facilities except open competition ?

A.—Take for instance free-ships. If you examine the free-ship list, you will find that the Brahmin students were more favoured than the others. In many cases Non-Brahmins were sacrificed in order to give place to Brahmin students.

Q.—Don't you know that in regard to free studentships there has been a long standing rule for the last 15 or 20 years that half of these should be specially reserved for the backward classes ?

A.—There is that rule, but that rule was so interpreted that it was represented to the Educational authorities that there were vacancies in the Non-Brahmin free-ships and those were transferred to the Brahmin students. Our complaint is that our students were not admitted.

Q.—You resist the charge that Non-Brahmins were narrow-minded in the way in which they dealt with certain questions in the Legislative Council ?

A.—Non-Brahmins ?

Q.—Yes. You say that the charge of narrow-mindedness is false ?

A.—Yes.

Q.—I do not wish to say that the charge is true. But I would only just like to refer you to the attitude taken on the Resolution on the separation of judicial and executive functions in the Bombay Legislative Council. What do you think was the attitude taken by the Non-Brahmin members generally?

A.—The attitude taken by them was largely tinged by the local experience and difficulties experienced. As for myself.....

Q.—I know you voted for the separation?

A.—They must have acted according to their own experience

Q.—In all the speeches that were made on that Resolution don't you remember that several of them said that if the Resolution was carried, it would lead to a great many more posts for the Brahmins and the advanced classes, and therefore, they said they would not have separation of judicial and executive functions?

A.—I think that argument was used, but that argument was against those who advanced it.

Q.—You say that the Police should be reserved. What is the position of the Police force in the Bombay Presidency generally? I mean in the Southern and Central Divisions?

A.—I think there is a majority of Hindus belonging to Non-Brahmins.

Q.—So that, if the Police force were transferred, it would do no harm to the Non-Brahmins?

A.—But the subordinate Police force has to obey the orders of their superior officers.

Q.—What is the composition of the superior officers?

A.—Of the superior officers, there are a few Europeans and some are Muhammadans.

Q.—Are there not many Non-Brahmins?

A.—No.

Q.—You say that Finance should not be transferred?

A.—That is my idea.

Q.—If you read the rules, is there any rule saying that Finance is a reserved subject in the classification of subjects?

A.—I do not think

Q.—You take it from me that it is not there necessarily reserved. It is neither reserved nor transferred.

A.—It is not specifically stated in the classification.

Q.—You say that these subjects should not be transferred but that all the rest should be transferred?

A.—Yes.

Q.—How many Members of the Executive Council would be required to manage Finance and Police?

A.—I think one Member can do it.

Q.—And there would have to be about two more Ministers, would it not ?

A.—My idea about it is a Governor, a Member of the Executive Council in charge of the reserved subjects and about about 3 Ministers.

Q.—So that, practically the reserved part will be kept in a very attenuated form and practically everything will go to the Ministers ?

A.—Yes.

Q.—Don't you think that in that case the reserved half of the Government would lose a very great deal of its importance ?

A.—But the Governor has his powers.

Q.—On the other hand, the difficulties of dyarchy will still remain ?

A.—Yes.

Q.—If you have some slight reserved half also, the difficulties would still remain ?

A.—Yes.

Q.—I just want to recall your mind to the meeting of the non-official members that was held in the beginning of 1921.

A.—Several meetings were held.

Q.—The meeting held with the object of forming a non-official party ?

A.—On the very first day ? Yes.

Q.—You were there ?

A.—Yes.

Q.—The question whether Ministers were to be included in that party was notly discussed ?

A.—Yes.

Q.—It was finally decided that Ministers should not be admitted ?

A.—Yes.

Q.—Can you tell us the reason for this suspicion of Ministers ?

A.—Well, they were looked upon as part and parcel of Government. That was our idea at that time.

Q.—Therefore you would not admit them ?

A.—But that was on the first day the first Council was opened.

Q.—At that time you thought that the Ministers were part and parcel of Government and therefore they should not be admitted into the deliberations of the non-officials ? That was the reason ?

A.—Yes. The majority thought so.

Q.—Don't you think that if Ministers were completely responsible for all the subjects, they would form their own party, they would not be considered as spies of Government or at least of the reserved half and they would be able to influence their own supporters ?

A.—Whether they would be considered as spies or not I cannot say. But I don't think that they would be looked upon in that way.

Q.—They would not be looked upon as Government men. They would be looked upon as leaders of their own party if all the subjects were transferred to them.

A.—Yes.

Q.—Under the present circumstances the Ministers are not taken into their confidence by the non-officials. They are treated with suspicion?

A.—Not at present

Q.—They were at any rate at that time?

A.—Yes, on the very first day the Council was opened.

Q.—Are the present three Ministers working as a joint body?

A.—So far as I know, they are treated as separate units. I have stated that already.

Sir Henry Moncrieff-Smith—*Q.*—You complain that Council Secretaries were not appointed?

A.—Yes, I do.

Q.—The Council Secretaries are appointed, when they are, only by the Governor under section 52?

A.—Yes.

Q.—Would you maintain that position?

A.—Yes.

Q.—And you find also under that section that the salaries of the Council Secretaries are voted by the Council?

A.—Yes.

Q.—Would you maintain that position also?

A.—Yes.

Q.—You would not alter that?

A.—No.

Q.—The Council Secretaries will have to have the confidence of the members of Government?

A.—Yes, it appears so. That is why, I was not appointed though I had offered myself.

Q.—They will also have to have the confidence of the Legislative Council?

A.—Yes.

Q.—Otherwise the Council can show its lack of confidence in the Council Secretary by refusing to vote him any salary?

A.—They may do so, but if a person who commands some of the votes of the Council is appointed, he will not be in a very awkward position. As I understand this rule, it is there to qualify the non-officials to get themselves acquainted with the inner working of the Government, and as no person is appointed, the non-official part never has any idea about the inner working of the Government. Therefore they generally make mistakes and have no complete information.

Q.—Would you appoint Council Secretaries on both sides, the transferred side and the reserved side ?

A.—Yes.

Q.—Can you tell the Committee briefly what is your idea of the functions of a Council Secretary ?

A.—My idea is that he should get himself acquainted with complete information as to the *pros* and *cons* of a question, and if he finds that on account of incomplete information non-official members are putting forth wrong objections, then he should tell the Council what are the facts and thereby the non-official objection will be minimised. At present though Government try to give information—as much as they possibly can,—still the non-official side looks upon it with suspicion. That is one of the reasons why there is slight opposition in the Council.

Q.—Why do you think that there will be less suspicion of a Council Secretary than of a Minister ? They are both appointed by the Governor, their salaries are voted by the Council, and what will be the difference between the two ?

A.—At present the Ministers are appointed only as regards their particular portfolios, and the Ministers, though they have a backing from a few members, have no backing of the whole Council.

Q.—But the Council Secretary will represent departments, will he not, and not the whole Government ?

A.—But, if there are many, one for each particular portfolio, then they would be in a better position. My suggestion is based upon the assumption that Government allow them access to official information. If the Government keeps them out of it, then it is absolutely of no use appointing Council Secretaries.

Q.—The Council Secretary would always have to support the Government policy, whether it was the policy of the Minister or of the Executive Councillor ? If he was speaking in the Council relying on information that had been given to him as Council Secretary, would he be permitted to speak against the Minister or against the Executive Councillor ?

A.—If there is a conflict between the popular interest and Government interest, then his position will be rather very awkward, but I think that the interests of the public and the good Government are generally not at variance.

Mr. M. A. Jinnah.—*Q.*—I take it that your complaint about the Council Secretaries not having been appointed is based on this fact that if they had been appointed they would have received education ?

A.—Yes.

Q.—Have you carefully considered as to what their functions would be when they are appointed ?

A.—To get themselves qualified for self-Government.

Q.—Have you carefully considered according to the statute and the rules what would be their actual duties ?

A.—I have considered them and my complaint is....

Q.—Have you considered that ?

A.—To get themselves acquainted with the working of the Government.

Q.—As far as you know, their duties and functions would be to get themselves educated and acquainted ?

A.—Yes.

Q.—You were in the last Bombay Council and you are now a member also ?

A.—Yes.

Q.—As representing the Legislature, have you considered what are your powers as Legislature ?

A.—I think, I have.

Q.—We will take the transferred subjects. If there is any difference of opinion between the Legislature and the Governor whose will will prevail ?

A.—In the transferred subjects it is the view of the Governor that prevails.

Q.—In the reserved side ?

A.—It is the majority view....

Q.—I am talking of the Legislature, and not of the Cabinet. Supposing any question comes up before the Council with regard to the transferred subjects, whose will prevails ultimately, the Legislature or the Governor ?

A.—Ultimately it is the Governor's view that prevails as laid down in the Act.

Q.—And the same thing with regard to the reserved side ?

A.—The Executive Council if it has the majority—the majority view will prevail subject to the Governor's veto in questions relating to tranquillity, safety and other interests.

Q.—Let me take you through your supplementary memorandum. You say that under section 53, para. (3), the Ministers are mere advisers, and you also say that their joint advice should prevail in all matters excepting those relating to safety and tranquillity ?

A.—Yes, I do.

Q.—If that suggestion of yours was carried out, would not the Governor be reduced to a constitutional Governor ?

A.—He would be, subject to the exception about safety and tranquillity, etc.

Q.—He would practically be turned into a constitutional Governor ?

A.—Yes.

Q.—Then do you consider this suggestion of yours should be carried out or not ?

A.—That is for the Committee to decide.

Q.—Do you want the Committee to give effect to this proposal of yours ?

A.—I do wish that the Committee should recommend in that way.

Q.—You want the Committee to give effect to this suggestion ?

A.—I do wish that the Committee should recommend in that way.

Q.—Would you call that dyarchy still then ?

A.—It will still be a dyarchy, because there will be two halves.

Q.—Which half ? What will be left ?

A.—Because

Q.—I will put it to you in this way. Is this correct ? Under your recommendation first of all you are mistaken in saying that Finance is a subject. Take it from me that it is not a subject at all. You are wrong there. It is not a transferred or a reserved subject. Will you admit that ?

A.—As given in the Schedule at present.

Q.—According to your recommendations the only reserved department or subject will be police ?

A.—Yes.

Q.—Everything else transferred ?

A.—Yes.

Q.—And the Governor to be reduced to the position of a constitutional Governor ?

A.—Yes.

Q.—Do you call that dyarchy ?

A.—It will be a limited dyarchy.

Q.—Very limited ?

A.—Yes, very limited.

Q.—I take it that you are not satisfied with the present system of dyarchy. You do not like it ?

A.—As far as our Bombay Presidency is concerned we have not suffered from the evil effects of dyarchy

Q.—What are the evil effects of dyarchy ? Do you know ?

A.—The evil effects are, if there is a difference of opinion between the Governor and the Minister there have been instances where the ministers have resigned. That is one. The second is that the Ministers have not the full liberty to carry out their schemes. Another is that sufficient money is not allotted to them.

Q.—How do you know that your Ministers have not suffered from the evil effects of this dyarchy system ?

A.—I have no personal knowledge of it. But there have been instances where the ministers have resigned.

Q.—Resignation is not the only thing which would prove the evil effects of dyarchy ?

A.—Yes, it is so.

Q.—I put it to you, Mr. Surve, that you have really not considered the constitution very carefully ?

A.—I have considered it according to my own ideas and views, because I have not the full opportunity, but whatever opportunities I have, I have considered on those points only.

Q.—You have done your best, you mean ?

A.—Yes.

Q.—I will leave you there on that point. Mr. Surve, I think you will admit, so far as the Bombay Presidency is concerned, that every educated man nowadays, whether he is a Brahmin or a Non-Brahmin or a Muhammadan or a Parsee or a Christian, takes very great interest in the welfare of the depressed classes, to advance them, to help them, if they

A.—Yes.

Q.—And there is no special hostility towards what you call the Maratha and the allied castes ?

A.—Hostility to whom ?

Q.—There is no hostility on the part of the educated classes, whether they are Brahmins, or whether they are Bhatias, or Prabhus or Muhammadans—and among Muhammadans there are several castes—there is no hostility towards Maratha and allied castes ?

A.—There is no open hostility.

Q.—Open or secret ? No real hostility ?

A.—I can only say that there is no open hostility ; as to secret hostility, I say if there is a question of self-interest, there is hostility.

Q.—When self-interest comes, then they give preference to that ?

A.—Yes.

Q.—In order to do any serious injury to—I will use the same phrase—the Maratha and the allied castes, there must be a combination of self-interest of various different communities or sects ?

A.—If they have to do positive injury then a large combination is necessary, but I have been saying that the masses have been in a neglected condition and unless they are given an opportunity of ventilating their grievances through their representatives, they will not come to a level with the advanced classes.

Q.—I take it that your anxiety is that for the time being the present electorates must be maintained ?

A.—Yes, with the reservation of seats.

Q.—You do not want really to have any serious alteration in the present system of electorates ?

A.—No.

Q.—Nor do I understand you want to alter the franchise at present ?

A.—If franchise is lowered... . . .

Q.—You do not suggest that ?

A.—I would suggest it.

Q.—You have not suggested it in your Memorandum. I do not want you to start a new case now. You have not suggested it ?

A.—No.

Q.—Are not the electorates as they are at present constituted able to return competent representatives to the Legislature ? Do you consider yourself a competent representative or not ?

A.—They are not altogether competent.

Q.—You mean not every one ?

A.—No.

Q.—But a large body of them are ?

A.—I would not subscribe to that view.

Q.—The majority of them are ?

A.—Something, perhaps a portion.

Q.—The Chairman suggests 50 per cent ?

A.—Less than that.

Q.—Will it be 40 per cent ?

A.—You can take it at that figure.

Q.—You mean 40 per cent. of able men ?

A.—Yes.

Q.—And 60 per cent. of incompetents ?

A.—Not incompetent ; they do not exercise their own opinion.

Q.—Who are not very able, you mean ?

A.—Yes.

Q.—But that is in every Assembly ?

A.—May be. But in India there is no universal franchise ; it is very limited here.

Q.—Now, we get to the next point. So far as the Bombay Presidency is concerned, is there any serious ill-will or feeling between the Hindus and Muhammadans, ill-feeling of a very undesirable character ?

A.—At present there have been a few instances.

Q.—I am talking generally ?

A.—Generally not.

Q.—I take it this way. Your electorate is more or less the Maratha and allied castes. Do you come across Muhammadan workers ? They work in the factories and in various industries. Do you come across them also ?

A.—Personally I have not come across them.

Q.—Don't you see them ?

A.—I see them of course. I had no talk with them. They have never represented their grievances to me.

Q.—Of course not, because you are not their representative. My point is this. Amongst the class of people that you move and your people whom you represent, did you ever hear any kind of serious complaint, ill-will on the part of your people against the Muhammadans ?

A.—No.

Q.—This is what you have said. You have summed up very wisely if I may say so. You say this :

“ Unless the Hindus try to realise the just grievances of the Muhammadans and try to meet their legitimate demands ungrudgingly and on the other hand unless the Muhammadans consent not to ask in excess of their just rights, the two sections will always have disputes.”

That is how you put it. After you read that I want to put a question to you ?

A.—My point was.....

Q.—My point is this. It is a very excellent formula that you have laid down. Do we in Bombay, as far as we can, try to observe that formula so far as the Bombay Presidency is concerned ? Do we act up to it ?

A.—No. As far as the Hindu party is concerned it cheerfully submits to what is given to them, but the Muhammadans sometimes ask even larger favours than they should.

Q.—Then Muhammadans sometimes ask for a little more ?

A.—Yes.

Q.—And the Hindus cheerfully concede that ?

A.—They do submit.

Q.—Then your idea is that they get on very well except that the Muhammadans want sometime a little more than what you give ?

A.—Yes.

Maharaja of Burdwan—**Q.**—I think you told Dr. Paranjpye that on the day when the new Legislative Council began in 1921 you discussed as to whether the Ministers should be taken into your confidence or not because they were held in a certain amount of suspicion. Has that position changed since then or not ?

A.—It has changed. But let me go a step further and say that the meeting which was held on the first day never came to a fruition. During the first three years there was not a single organised opposition party or even a non-official party. We simply sent round circulars once in a year saying that we should be present at a meeting and consider the formation of a party. We spent those three years in mere considering. No party was ever formed.

Q.—What I want to get at is that at the present moment the Ministers do enjoy the confidence of the Legislative Council, though not in every measure, to a very great extent ?

A.—They do to a certain extent, but not to a very great extent.

Q.—Regarding Council Secretaries, I think your idea is that it would be helpful to have Council Secretaries and to train them in constitutional self-government. Have you realised the fact that the moment you have a Council Secretary—it does not matter whether it is for the transferred half or the reserved half—he is bound to support the policy of Government in that particular department ?

A.—Yes.

Q.—That being so, do you think that his position as a helpful whip to the Member or Minister concerned might be jeopardized ?

A.—It may be jeopardized.

Q.—You know Council Secretaries are supposed to be a help to a Minister or a Member as a whip ?

A.—Yes.

Q.—Don't you think that when the Council Secretary has got to support the Government policy—Whichever half of Government it may be—his position might be largely jeopardized for that reason ?

A.—I do see that. But my point was that if you are looking to the welfare of the country then there will be only one Government and the Council Secretary, being in possession of the correct information, will help to remove the doubts and to give the correct information and thereby minimise the differences.

Q.—I understood from what you told Mr Jinnah that you are not altogether opposed to dyarchy as a system. But in your Memorandum you have reduced dyarchy to a ridiculous position if I may say so by the fact that if Finance be not considered a subject then you have left the Governor with only one reserved subject, namely the Police. May

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I know that if a Governor is left with one reserved subject such as Police, could he not administer that subject with his Chief Secretary or somebody else and do away with the appointment of the Member of Council ?

A.—Even to-day there are Secretaries to Members.

Q.—What I meant was that if you left your Governor, say, with Police only which is practically law and order, don't you think that your Governor could administer that department himself and not have a Member of Council at all ?

A.—He can administer it.

Q.—In that case, under your scheme, the Governor would have certain enlarged executive powers to control Police and whatever other subjects you may have in view and all the rest would become transferred ?

A.—Yes.

Q.—Therefore, so far as the Council actually is concerned it will face Ministers and not Members. Is that your scheme ?

A.—My scheme is that there should be a Member.

Q.—Just now Mr Jinnah pointed out that Finance is not a subject which is either transferred or reserved. That being so, would you still have one Member only for the administration of Police ? You have not had experience of Government with Lieutenant-Governors. When there were Lieutenant-Governors they never had any Members of Council. If you want to have a Governor with one subject only, then it is quite possible for him to administer that department without a Member of Council ?

A.—But a Governor is not a Member of the Council. He has only the right to address it but he does not take any part in it. Besides who will ask for the grants and for the Budget expenses. Who will make demands for that particular subject ? It must be done by a Member.

Q.—Could not that be done by a Secretary to Government ?

A.—Secretaries do not do that in Bombay Council.

Q.—But I have known cases when Secretaries have made demands on behalf of a Member ?

A.—So far as my knowledge goes, this has not been the case.

Q.—Supposing a Secretary did make a demand for the Governor on that particular head, would you still have a Member for the Police only ?

A.—I should have a Member.

Q.—Would it be worth while having a Member for one department only ?

A.—Yes.

Q.—Could you not delegate that to the Governor himself ? Then you will have only Ministers in your Council ?

A.—No.

Q.—In other words, simply for the sake of Police you will still have a Member of the Executive Council and you will have your Ministers ?

A.—Yes.

The Chairman thanked the witness, who then withdrew.

The Committee then adjourned till Monday, the 18th at 10-30 A.M.

Monday, the 18th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. C. V. Chintamani, ex-Minister, U. P.

EXAMINED BY THE CHAIRMAN.

Q.—We propose to examine you in public, that is what you desire ?

A.—Yes.

Q.—You were a Minister in the United Provinces from January 1921 to May 1923 ?

A.—Yes.

Q.—And your colleague was Pandit Jagat Narain ?

A.—Yes.

Q.—What constituency did you represent ?

A.—The Jhansi District.

Q.—Have you any connection with the Jhansi District ?

A.—No personal connection.

Q.—What constituency did Pandit Jagat Narain represent ?

A.—Lucknow City.

Q.—When you resigned office did you resign your seat on the Council ?

A.—No.

Q.—You were still a Member ?

A.—Yes.

Q.—You still sit for Jhansi ?

A.—No, I was a member of the late Council.

Q.—You remained a member till the Council expired ?

A.—Yes.

Q.—You stood for re-election ?

A.—No, I stood for the Assembly.

Q.—Who represents Jhansi now ?

A.—Pandit Bhagavat Narain Bhargava.

Q.—Do you regard him as one of your party ?

A.—No, he is a Swarajist.

(*Mr. Jinnah*).—Q.—You stood for the Assembly at the last election ?

A.—Yes.

Q.—You were defeated ?

A.—Yes.

Q.—I have been asked to enquire who was your opponent when you stood at the last election for the Assembly.

A.—I had two opponents, Pandit Krishna Kanta Malaviya and Thakur Shiva Shanker Singh.

Q.—What were their divisions ?

A.—Gorakhpur—Benares Division

Q.—United divisions ?

A.—Yes.

Q.—You had some experience of public life before you were a Minister ; you were a Member of the old Council ?

A.—Yes.

Q.—And you are a journalist ? You have been connected with journalism for a long time ?

A.—Yes.

Q.—How long have you been in the United Provinces ?

A.—21 years—nearly 22 years.

Q.—You are domiciled there ?

A.—Yes.

Q.—You came originally from Madras ?

A.—Yes.

Q.—From your memorandum I assume you and Pandit Jagat Narain were in close political accord, that is your political views generally agreed ?

A.—You mean as Ministers ?

Q.—Politically you belong to the same party ?

A.—Yes.

Q.—You did, and you do ?

A.—Yes, that is so.

Q.—How many votes could you have commanded in the old Council, the first Council of the United Provinces ?

A.—You mean in the first Reformed Council ? Well, we had no difficulty in carrying any of our important measures by a majority of non-official votes.

Q.—What would you regard as your personal party in the Chamber, how many roughly, generally speaking ?

A.—Well I should say between 40 and 50 were generally our supporters.

Q.—What did you regard as the non-official Opposition to you ?

A.—There was no organised opposition. The opposition was made up of temporary combinations according to the nature of the subjects.

Q.—There was no definite party against you, not even a landlord party ?

A.—No, many of the landlords were my supporters.

Q.—Of course, the officials generally voted with you ?

A.—Yes.

Q.—But was their vote necessary to you ? Could you have carried on without the official party ?

A.—On no important matter which made a test question was their vote necessary for us.

Q.—You have favoured the Committee with a very long and detailed memorandum, and we are greatly obliged to you for it, but it is impossible for me to examine you on all the points raised, and if I do not examine you on all the details, it is not because I do not regard them as important, but because it would take too long. Therefore I propose to put a few general questions on the memorandum.

Should I be wrong if I were to assume that when you first took up your office the system that was started was something rather different from what dyarchy is generally understood to mean ?

A.—Quite so, it was started as a unitary government.

Q.—By unitary government you mean a government where all important questions are discussed and decided by the general deliberations of both sides of the Government ?

A.—That was so.

Q.—Would you consider that to be in accordance with the general idea of dyarchy, as contained in the instructions to Governors ? Instruction III you are familiar with, page 170 in the blue book .—

“ Inasmuch as certain matters have been reserved for the administration according to law of the Governor in Council in respect of which the authority of Our Governor-General in Council shall remain unimpaired, while certain other matters have been transferred to the administration of the Governor acting with a Minister, it will be for you so to regulate the business of the government of the presidency that, so far as may be possible, the responsibility for each of these respective classes of matters may be kept clear and distinct.”

Of course you are always observing this rule ; still the system of government commenced in the United Provinces did contemplate that both sides would be responsible ; that is, you did away to some extent with the distinction between transferred and reserved subjects ?

A.—That is so.

Q.—And therefore you occupied a position *vis-a-vis* the Government which suited you better than had dyarchy been observed ?

A.—The position would have been different if dyarchy had been observed.

Q.—Speaking generally again, gradually the system shifted more to what would correspond more completely with the idea of dyarchy ?

A.—Yes, but never very completely ; the position still remained dubious.

Q.—It went in that direction ?

A.—It went in that direction, at the same time it was not followed to its logical conclusion.

Q.—Therefore I put it to you that really you were not unnaturally disappointed that the tendency was all to reduce the Ministers' influence ?

A.—That is so.

Q.—If you had commenced with strict dyarchy, you probably would not have been so disappointed ?

A.—No, there would have been no disappointment. As we, Pandit Jagat Narain and I, explained to our Governor, we were prepared to work in a strictly dyarchical government or in a unitary government ; what we objected to was a semi-demi unitary dyarchical government, where our position was not clear.

Q.—I understand you were entirely satisfied with the arrangement as it commenced, but what you complained about was that you did not proceed logically ; you should have had a government which was not dyarchy or you should have had dyarchy ?

A.—We had neither.

Q.—But you were quite satisfied with the first position ?

A.—Entirely.

Q.—But you yourself thought that was not justified by the actual rules ?

A.—That responsibility rested upon the Governor.

Q.—But what was your own view of it ?

A.—My own view was that the Governor was observing the spirit of the Act all right, because when formal decisions had to be taken, they were the decisions of the Governor in Council, or of the Governor acting with his Ministers. Only on important matters that aroused much public feeling would the Governor say in the Government resolution or in his public speeches that that action had been taken in consultation with and with the support of the Ministers.

Q.—That would bring you into it ? You were responsible ? If I said I took a decision on a reserved subject with your support, you must be responsible ?

A.—Yes that is so, we do not disclaim the responsibility.

Q.—The instructions have provided a separate responsibility ? The Act does not lay down the principle of joint responsibility of the Ministers ?

A.—The Act does not.

Q.—But there are several rules which do ?

A.—Yes.

Q.—Take the rule of the allocation of finances, Devolution Rule 31. That rule seems definitely to recognise joint responsibility ?

A.—Yes, it does.

Q.—And Fundamental Rule 5 ?

A.—Yes.

Q.—So it would not be fair to say that joint responsibility is not recognised in the rules in some places ?

A.—In a very few rules and only in respect of finance.

Q.—They are important rules ?

A.—They are no doubt important but they do not cover the general field of administration.

A.—As a matter of fact you did work on the joint responsibility principle ?

A.—Yes we did.

Q.—Your rules provided for it ?

A.—Only in a few matters such as you have now pointed out to me ; but there are many other rules where the formula is 'the Minister,' not 'the Ministers.'

Q.—Do you consider that Ministers ought to work on a system of joint responsibility ?

A.—Yes.

Q.—And you carried it out ?

A.—We carried it out completely.

Q.—Your colleague consulted you on matters that did not concern you at all ?

A.—That is so.

Q.—You do not think there is any difficulty if you have a very divided Council, with strong parties pretty equally balanced, and you had two Ministers—would it be possible as a sort of coalition government if you had to take one Minister from each party, to carry out the principle of joint responsibility ?

A.—Yes, provided the persons agreed to act on that principle.

Q.—Supposing you could not get government on those lines ?

A.—I do not see why not. I would rather dissolve the Council than have a separate responsibility of Ministers. If no coalition could be arranged, if no two members of the Legislative Council, who would act together and yet get the support of the Council, could be obtained, then I would sooner dissolve the Council than do away with joint responsibility.

Q.—Supposing the same thing happened again and again, would you go on dissolving the Council which would have no time to form fresh roots and you might have exactly the same result every time ?

A.—On the basis of probabilities that is not likely to arise, and I believe all these rules have been framed on the basis probabilities and not of extreme possibilities.

Q.—They were framed to meet contingencies. You get many rules under the Act provided to meet unusual circumstances.

A.—But there is a section of the Act which enables the Governor to carry on the administration of Transferred Departments during such contingencies.

Q.—Would you say then that that would be a case for temporary administration ?

A.—Obviously, if a normal arrangement could not be made as contemplated by the Act then there would be no alternative but that.

Q.—That is what I was coming to. You agree ?

A.—Yes.

Q.—I don't want to take you through any details but may I refer you to paragraph 10 of your note ? You say :

"The Rules under this head appear to me to call for revision, and I think, too, the language of the relevant sections of the Act itself."

Now let us take the Act first. I take the words you object to here, section 45A (3) :—

"....but the Governor General in Council shall be the sole judge....."

I don't quite follow your objection. I put it to you that that is a necessary rule : somebody must decide that point, otherwise it is left in the air.

A.—Well, there should be some arrangement by which an independent body should decide such constitutional disputes between two Governments.

Q.—Not the Governor General in Council. The High Court ?

A.—It may be the High Court or a special tribunal of some sort. I have an open mind on the subject. In fact, in a subsequent paragraph of my memorandum I advocate a Privy Council for India such as was recommended in the Montagu-Chelmsford Report, and I say a Judicial Committee of that body should decide such disputes.

Q.—That is what you have in mind ?

A.—Whether that recommendation commends itself or not is immaterial so long as there is some tribunal independent of the Governor General in Council and the Local Government to decide such disputes.

Q.—That is your point ?

A.—Yes.

Q.—Now would you look at the rule itself ? It is rule no. 49 at page 12 "Limitation of Control". Do you think that that rule requires amendment ? It is with regard to the power of the Governor-General to interfere in the administration of transferred subjects ?

A.—The rule in general terms seems to be unobjectionable. In fact it will all depend on how it is administered whether it will make itself felt or not.

Q.—Of course we can only recommend alterations in the rules. The administration of the rules is a personal matter. Do you recommend an amendment of this rule to the Committee ?

A.—My suggestion will not be an amendment of the rule so much as a more clear-cut division between the respective spheres of the central government and the local government.

Q.—Whatever may be the spheres of the central government and the local government, do you regard this as a reasonable rule for the control of the central government over the local government ? I think you admit that in any constitution there will be a central government and a local government.

A.—Assuming that my suggestion is not accepted, some such rule as this will be necessary, I admit, and I have no objection to the wording of this rule ; but I still maintain that when it comes to an interpretation of the rule in regard to an actual dispute between any two Governments, the decision should rest with an independent tribunal.

Q.—That refers to the question of who is to decide in the event of doubts arising under the rule. That is not what I am asking you ; there is no question now of the tribunal which is to decide disputes. Assuming there is to be some control, is this the kind of control which you would accept ?

A.—Yes, in the unfortunate event of the present section having to be maintained as it is.

Q.—Your point is that the Governor General should exercise control but should not decide disputes. At the same time there must be rules governing the relations between the central government and the local government ?

A.—There must be.

A.—So far as it goes, it is satisfactory

Q.—That is all I want to get at. Now about the Finance Department, Mr Chintamani, I don't wish to take you through any details but just to ask one straight question. If you had been the Finance Minister yourself would you, generally speaking, have exercised control in any way different from what the Finance Member did ?

A.—That is a difficult question to answer. If I had been Finance Member with specific responsibility for some subjects and a general responsibility for all reserved subjects, and in that position I was called upon to find funds for a part of the Government for which I was not directly or indirectly responsible, my view would be the same as that of the Finance Member now, namely, that charity begins at home.

Q.—I am talking of the Finance Department ?

A.—But the Finance Member and the Finance Department are the same. He is the head of the Finance Department.

Q.—Quite so, but he has to exercise certain functions. Those are in the nature of treasury control. He exercises that on both sides of the Government. The financial control is the same.

A.—Including the subjects for which he is also administratively responsible himself.

Q.—Then the point you wish to make is this, that he is prejudiced by the fact that he is in charge of certain departments himself ?

A.—There must be an unconscious bias.

Q.—But as a matter of fact did you notice any bias ?

A.—I did. The Finance Member was certainly more anxious to see that his reserved departments got all the money they required before other departments got what they wanted.

Q.—Then would your objection be removed if the head of the Finance Department was a person who had no portfolio and was independent of the Government altogether ?

A.—It would be only partially removed. I would still object to it.

Q.—Even if he is not a member of the Government at all but an independent authority ?

A.—Oh, yes, that particular objection would then be removed.

Q.—Supposing he was appointed by the Governor General ?

A.—He should not be a part of the Governor in Council.

Q.—It is not to the existence of financial control that you object ?

A.—I regard that as indispensable.

Q.—You don't object to the rules ?

A.—I object to the rule very much indeed, because the rule says it should be a department under the control of a member of the Executive Council.

Q.—What I am trying to get at is this—with the exception of that, have you got anything against these rules—with the exception of the rule that the Finance Member is a member of the Executive Council ?

A.—I have no detailed objection to the rules. I approve of the rules in so far as they insist upon close treasury control over every spending

Q.—Now having got thus far, would you look at paragraph 16 of your note. You begin “ Not a pie of new expenditure can be incurred by the Ministers without the approval of the Finance Member.” Is that correct ?

A.—Quite correct.

Q.—Under what rule ?

A.—These very Devolution Rules. Under them every matter involving any expenditure has first to meet with the approval of the Finance Department before it can be given effect to.

Q.—It has to be referred to the Finance Department.

A.—It has to be approved by the Finance Department.

Q.—It has to be referred to them for expert advice but you are not bound to follow that advice.

A.—It is not mere advice. The moment the Finance Department says it does not approve of a particular proposal involving a certain expenditure, either on appeal the Governor has to side with the Minister or the proposal has to be withdrawn.

Q.—But the Governor may side with the Minister. The deciding authority is not the Finance Department.

A.—It is, except when an aggrieved Minister may go in appeal to the Governor.

Q.—Not in appeal. In the case of a proposal like that where you find yourself in disagreement with the Finance Department, where you think it interfered unreasonably.....

A.—They may consider it reasonable, and when they have pointed out legitimate objections to my proposal from their point of view, I have no grievance at all.

Q.—I am taking a case where they have quite unreasonably rejected your proposal, then you can say “ I don’t agree with the Finance Department.”

A.—But as I have to live with the Finance Department and as I have to depend on that Finance Department from day to day of my official existence, I would not make it a normal act of my official life to go constantly against the Finance Department. It is only when I have a special case.

Q.—But surely normally you agreed with the Finance Department ?

A.—I would not say that.

Q.—Nor do you disagree with it ?

A.—In the first year normally there was agreement, but after the first year it was as often as not disagreement as much as agreement.

Q.—Owing to the fact they interfered improperly ? May I take it that in 50 per cent of the cases they interfered ?

A.—You might put it so. I did not tabulate the number of cases. I am prepared to state this without any exaggeration that it was a very general experience of both the Ministers in the United Provinces after the first year, that they had to contend with great difficulties when they went to the Finance Department, that pretty frequently they had to go before the Governor, pretty frequently the Governor did not side with

them and pretty frequently they could only gain their point in the end by placing their offices at the disposal of the Governor.

Q.—You did gain your point in the end.

A.—I put it with all respect, suppose a member of Government is only able to carry his point by treating resignation as an almost daily contingency, I would not say it is a satisfactory system.

Q.—After all, when the case goes to the Finance Department, they only generally deal with details. They are not dealing with big questions of policy.

A.—They go beyond the rules and they do interest themselves in policy.

Q.—But surely that is not the function of the Finance Department. That is not a function which is laid down under the rules.

A.—That is true.

Q.—It is not against the Finance Department *qua* Finance Department but it is against the administration of the Finance Department that you have a complaint.

A.—But my contention is that much of this difficulty arises from the fact that it is a dual Government where the Finance Member is interested in one part of it.

Q.—We will come to that point. We will come to the rules later on. Your complaint is against the administration of the Finance Department?

A.—I entirely agree.

Q.—This Committee is not concerned with the personnel. It is concerned with the rules.

A.—Yes. But that I submit once more at the risk of appearing to be repetitious is that the safeguard against the Finance Department strictly observing the rule and not entering into policy as distinct from expenditure is not a real and effective safeguard for the Ministers inasmuch as the Finance Member is a part of the other part of the Government.

Q.—You say that would be remedied if you have an officer independent of the Local Government, who had no connection with the Council, and had no portfolio.

A.—Yes. I would like to submit one more observation. The authority before whom we go with an appeal against the Finance Department is himself responsible to the Government of India and higher authorities for the administration of the Reserved Departments, and therefore it is not before an impartial appellate authority that the Minister goes with an appeal against the Finance Department.

Q.—I do not quite see whether you can avoid it if the Ministers have complete control. Would you allow the Minister to over-ride the Finance Department?

A.—I would not allow the Minister to over-ride the Finance Department in normal circumstances. My submission is this. When you provide the Governor as an appellate authority over the Finance Department for an aggrieved Member of the Government such as the Minister, that Governor should be equally and impartially interested in the Minister's Departments as much in the Finance Department and in the Reserved Departments generally. Actually the Governor is more responsible for the Reserved Departments because he is responsible to higher authorities under the Act than he is for the Minister's Departments which are transferred.

Q.—What is your remedy for this ?

A.—My remedy is a constitutional Governor.

Q.—Apart from that, you would not advise that the Minister should over-rule the Finance Department ?

A.—Well, if the present constitution has to be maintained in tact as it is, except for a few alterations of detail here and there, I should even go to that abnormal length—to that absurd length—that the Minister should be allowed to over-rule the Finance Department than to make him the victim of the Finance Department.

Q.—You never had a Joint Financial Secretary in the United Provinces ?

A.—No.

Q.—I take it that the position of the Joint Financial Secretary is the same as that of the Secretary.

A.—It is not at all clear. I have discussed the position of the Joint Secretary in one of the paragraphs of my memorandum and if you refer to rule 30 or rule 36, I think it is.....

Q.—I do not want to take you any further than that. I put it to you, there is no difference between the position of the Secretary and the Joint Secretary in regard to powers ?

A.—The Joint Secretary's position is not at all defined.

Q.—What is his ordinary position ? Did you have any Joint Secretary in your Department as well as a Secretary ?

A.—I had a Joint Secretary for some time in the Public Works Department.

Q.—I suppose he had the same authority within his sphere as a Secretary ?

A.—That was because the Governor by special order gave him that power.

Q.—You probably never had a Joint Secretary before in the Government ?

A.—I have no idea about it.

Q.—Please refer to paragraph 18—composition of the Finance Committee. What is the constitution of the Finance Committee in the United Provinces ? I presume a large number of members are elected.

A.—The Finance Committee consisted of 12 Members, of whom 8 were elected by the non-official members of the legislative council and 4 were nominated by the Governor.

Q.—You had a majority in the House and therefore I take it that these were your representatives ?

A.—It does not necessarily follow in matters of new proposals of expenditure and policy.

Q.—I do not suggest that you had a party. What I was saying is that you were able to select 8 men from the Council and put them on the Finance Committee.

A.—We had absolutely no voice. The Ministers were regarded as part of the same Government to which the non-official members considered it their business to be in opposition, and therefore the Ministers were never given a chance by the non-official members of advising them as to who should be elected and who should not.

Q.—In fact, you did not use your majority for that purpose ?

A.—We had absolutely no voice in advising either the majority or the minority.

Q.—Surely, it was open to you to do so ? It was open to you to secure the election of 8 men you wanted, because *ex hypothese* you had a majority in the Chamber.

A.—If the Minister converted himself into a canvassing agent in order to secure the election of his own nominees to certain committees, he might possibly have succeeded.

Q.—Surely any Minister would do so.

A.—That was not the understanding in that constitution. It was considered to be the unfettered privilege of the Non-Official Members to elect whomsoever they chose, and they would not allow any Member of Government, Minister or no Minister, to come near them in that respect.

Q.—Paragraph 27 of your note. That affects the franchise ?

A.—Representation.

Q.—You say that the best way of securing the interests of the rural millions is to increase the urban representation.

A.—That is my opinion in existing circumstances.

Q.—On the ground that the landlords are too selfish representatives ?

A.—Yes.

Q.—That is a curious thing. You consider that the urban representatives are more likely to represent agricultural grievances than the agriculturists themselves ?

A.—None the less, it is true.

Q.—It is a peculiar circumstance ?

A.—It is a peculiar circumstance, but it is the actual circumstance now.

Q.—Then you propose to alter the landlord representation in paragraph 28 ?

A.—Only redistribution.

Q.—I take it that you think that the big landlords have too much power ?

A.—The purpose of that paragraph is quite different. In the first place, it is to point out that the large number of landlords residing in the 36 districts of the province of Agra are only allowed two representatives, while about 300 talukdars who constitute the British Indian Association of Oudh are allowed 4 representatives. That is point No. 1. Point No. 2 is that those landlords in the province of Oudh who are not members of the British Indian Association, are not given any representation as landlords.

Q.—Am I right in thinking that the members of the British Indian Association are talukdars ?

A.—Yes.

Q.—They are all very large landlords ?

A.—Not all of them. Some of them very large, some of them large, and many of them small.

Q.—Would you consider that the United Provinces is a province of great landlords speaking generally ?

A.—It is undoubtedly a province of landlords.

Q.—Surely, there is no other province where you have so big landlords.

A.—I know of other provinces where there are bigger landlords, only their number may not be as large.

Q.—What province are you thinking of ?

A.—Madras Presidency, Bengal, Behar, Vizianagram in Madras, Durbhangā in Behar.

Q.—I am not talking of individuals. Would you say, on the whole, that the United Provinces was a province of big landlords, not of the biggest landlords, but the landlords there on the average are bigger than landlords elsewhere ?

A.—I do not feel confident in saying that it is a province of big landlords. There are undoubtedly many big landlords, but there are a very large number of smaller landlords also.

Q.—A good deal of your memorandum is occupied with the relations between the Ministers and the services.

A.—Yes, unfortunately.

Q.—I do not wish to go into the details. Just look at paragraph 40. Should I be representing your views fairly if I say that although you have had trouble at times with the services, on the whole your relations were good ?

A.—My personal relations ?

Q.—I am asking of your official relations.

A.—My official relations were not on the whole good. They were quite good in the beginning, but during the major part of my 28 months they were not good.

Q.—You have given certain instances here. I do not want to go into them. You say in paragraph 40 : " And I should further like to record that it should not be thought that they were very frequent. On the other hand there were many officers whose attitude towards the Ministers was correct and some who were cordial and helpful."

A.—Quite so. There was no personal unpleasantness as a rule.

Q.—I am talking about official disagreements.

A.—Official disagreements were very many and very frequent.

Q.—Were the official disagreements in these cases honest differences of opinion or were they differences which can be considered to be factious opposition to you ?

A.—I never questioned the honesty of those who disagreed.

Q.—It was merely disagreement.

A.—Their point of view was different. They disagreed with me.

Q.—Was it honest disagreement or did they disagree with you with any other object ?

A.—In the absence of any proof to the contrary, it is my duty to say that it was honest disagreement.

Q.—What did you feel ?

A.—I felt that their point of view was different. They considered themselves to be the guardians of certain interests which were not precisely the interests of which the Ministers were to be the custodians.

Q.—I put it to you in this way. Did they oppose you because you were a new broom coming in and they were used to old ideas and therefore they were a little suspicious of what you were about to do or did they say that they won't work with you ? The points are quite different.

A.—I do not know if I can answer that question precisely beyond saying that no one refused to work with me. They did oppose my views and they did not approve of many things I did just as I did not approve of their ideas and consequently there was friction.

Q.—I do not see why there should be friction if I disagreed with you. We can discuss the matter without friction.

A.—I do not pretend to have a fraction of that experience which you have had as an officer, but it appears to me to be very unlike ordinary human nature. If there are a Minister and a Secretary or Head of Department who differed more frequently than agreed, and if a Minister has to force his ideas upon unwilling agents, if these Secretaries or Heads of Departments and other officials have to spend all their life in official work feeling that this new man can force his ideas upon them, and if consequently difficulties arise, I think I would call it friction.

Q.—But still it happens between Secretaries and Members as well as between Secretaries and Ministers.

A.—I am here using the words "Members of Government" as including Ministers.

Q.—My point is this. You could have friction of that kind between the Secretary of a Reserved Department and the member in that Reserved Department?

A.—But there would be a difference. Supposing the Secretary or the head of a department felt that the Minister or member of the Government under whom or with whom he works has real powers, is the authority who is not liable to be over-ruled every day by an appellate authority who is accessible to these secretaries and heads of departments, and which appellate authority is drawn from the same class as the secretaries and heads of departments and is at least as likely to agree with them as with the Minister drawn from a different class altogether, then the deference they would pay to that Minister or Member of Government and their preparedness to get on with him without creating differences would be something different from what it is under the existing situation.

Q.—You have not got my point there. This member of Government also will be a new broom?

A.—He would not be a new broom. Suppose an I.C.S. officer comes for the first time into the Government as a member he would not be treated as a new broom. Supposing you take a man from the Editor's Chair who knows nothing of Government and who all his life had been a critic of Governmental actions and these gentlemen are asked to carry out his instructions.

Q.—It does happen?

A.—It does happen but in our country under the constitution and system we have it is regarded as something very much approaching impropriety.

Q.—Then I see you say that the only way in which you think the constitution will be worked is a spirit of give and take, and you approve of the statement in the Montagu-Chelmsford report in which it is said that the constitution must be worked by reasonable men and in a reasonable spirit.

A.—I think that if a constitution is worked always by reasonable men and in a reasonable spirit, any constitution in the world will work

Q.—If you have reasonable men and work in a reasonable spirit it does not really matter what kind of constitution you have ?

A.—I think so but I think constitutions are framed because human nature is imperfect and many safeguards have to be inserted.

Mr. Jinnah.—*Q.*—Because they are not always reasonable ?

A.—Each man has his own point of view, his own interests, his own bias.

Q.—You have given us very interesting information as to your views on the division of subjects and the Committee will have carefully to consider them at the proper stage. I wish only to ask you one question on that. Look at paragraph 46 as to the question of railways. I do not quite see what you are driving at. If I may say so, you agree no doubt that railways should be a central subject ?

A.—Certainly.

Q.—But you want to provide some form of local control. I do not see what form you would like it to take.

A.—I myself was not ready and am still not ready with precise and detailed suggestions as to its form.

Q.—May I ask you to give me some general idea of that form ?

A.—There are many grievances of the passengers and of traders in connection with the administration of railways. They naturally go before the local Government as the nearest authority and they also seek the assistance of non-official members of the local Council in bringing those matters to the notice of the Government, but the Government is under the necessity either of disallowing questions and resolutions or of telling the Council that it is not a matter within their control, that it is not a matter which they can redress. I do not think that it is a right position. In the second place, as I have pointed out in that paragraph or the next paragraph, difficulties have arisen not specially in the United Provinces but I have some acquaintance with the province of Madras.

Q.—That is about light railways ?

A.—Yes.

Q.—May I put to you a concrete question ? Supposing a *bania* comes to you and says that the station master of a station is very corrupt and does not give any trucks, what control would you propose to give to the local Government to deal with that case ?

A.—That is precisely where I said that I am not ready with details.

Q.—But you would refer him to the authority which would enquire into his case and punish the station master ?

A.—Some arrangement might be possible by which there might be direct communication between the local Government and the railway management concerned in that province in order to obtain redress of genuine grievances. In the second place, some device might be possible by which in the Railway Board at Delhi and Simla the opinion of the provinces will get a better hearing, there will be some chance of that opinion always being stated—I do not want for them a controlling authority; but I want for them an opportunity of effectively stating their case.

Q.—What difference would it make whether the man who did not get the trucks complained to you or whether he complained to the Railway Member

A.—The Railway Member is a distant divinity. He is only an abstraction ; whereas the officers of the local Government are real human beings for the purposes of the man in the street.

Q.—Do you think that it will be more satisfactory from his point of view to make a complaint to you who will not be able to do anything more than pass it on, than to make a complaint to the Board ?

A.—He can be sure of a redress if he can get the support of the local Government on his representation.

Q.—You are opposed to a Public Services Commission ?

A.—I am opposed to it in the existing circumstances. If a Public Services Commission is proposed to be constituted as part of a new constitution under which the Government of India will not be responsible to the Secretary of State but to its own legislature here and the local Governments will be completely responsible to their legislatures, then I shall keep an open mind with regard to the Public Services Commission in those circumstances.

Q.—That is not my question. My question was this. You say that you do not think that the Ministers should have any patronage. That is a very extraordinary statement.

A.—I hope it is not so very extraordinary. I think the Ministers have many things more to do than to dispense patronage.

Q.—Supposing a Government was composed entirely of Ministers, how would you keep your party going without patronage ?

A.—By the nature of my policy and measures for the public welfare.

Q.—Is not that rather Utopian ? Is there any Government in the world dependent on the democratic vote who does this ?

A.—They would have a certain limited patronage in making appointments which are not part of graded services.

Q.—I am not talking about graded services. I take patronage in general, in very broad terms, including all kinds of things.

A.—I am not aware. Such little study as I have made of patronage does not lead me to the conclusion that the Ministers in England are only able to keep themselves together by dispensing patronage.

Q.—You think not ?

A.—No.

Q.—And therefore you yourself would, at any rate, lay down that Ministers should exercise no patronage ?

A.—That is my position.

Q.—And you do not think, speaking as a practical man, who has kept a party together for 2½ years, there is any difficulty in doing so without patronage ?

A.—I did not exercise any patronage.

Q.—You had none to exercise.

A.—To the very limited extent that I had, I saw that the patronage was exercised with responsibility.

Q.—Then you divested yourself of it directly ?

A.—By the device of selection committees. I even went out of my way and got the Governor's opinion and support when I exercised it. I never exercised it for individual or party purposes.

Q.—There is one point on which I want to ask you a question. Page 39. I take it, Mr. Chintamani, you recognise at times the maintenance of law and order is difficult ?

A.—It is always difficult.

Q.—It is not a popular subject ?

A.—It cannot be popular with those who want to break the law. The unpopularity arises from the manner in which it is administered.

Q.—But the person administering it cannot be popular with the man he is dealing with ? The Judge is not popular with his accused ?

A.—Except when he acquits him.

Sir Muhammad Shafi—Q—Does not that depend upon the manner in which you deal with the person concerned ?

A.—It depends upon the manner in which law and order is maintained.

Q.—You say in the same paragraph that you are constrained to say that the British Government and their officers as a class have during the last 2½ years signally failed to co-operate with Indian public men in the spirit of the Montagu-Chelmsford report. Would you like to modify that in any way ?

A.—As a general statement I have no modification to make.

Q.—Then you would say that the Indian public men have cordially co-operated in the spirit of the Montagu-Chelmsford Report ?

A.—Indian political parties minus the non-cooperators have co-operated.

Q.—Minus non-cooperators ?

A.—By their very definition they are not cooperators.

Q.—I suppose non-cooperators may be Indian public men ?

A.—I have used the plural. "So far as the progressive political parties go."

Q.—Then on both sides there must be a considerable amount of non-co-operation ?

A.—As between non-cooperators and Government.

Q.—I put it to you very frankly. Is it quite fair to say that the British Government and their officers have, as a class during the past 2½ years, signally failed to cooperate with Indian public men with that qualification that the Indian public men have signally failed to cooperate with Government ?

A.—If my meaning is not properly conveyed, the exception should be of the non-cooperation party. With that single exception my statement is correct as a statement of fact.

Q.—Would you say that that party is the most powerful political party in India.

A.—In one sense.

Q.—They have probably more seats in the councils than any other party ?

A.—In the present councils. That was not in the last councils. They were the most important in the sense that they were the most popular at the time and in no other sense.

Q.—In paragraph 80 you say that the British Government has done nothing for the depressed classes except that they have been placed on an

A.—I said, "What is the British Government's record of services for their *uplift* ?"

Q.—You make this statement. "What is the British Government's record of service for their uplift except that they have been placed on an equality with their fellow-beings in the eye of the law."

A.—Kindly read that with the words, "What is the British Government's record of service for their *uplift*."

Q.—What I want to ask you is this. Do you regard equality before the law as rather an important matter ?

A.—Very important.

Q.—I would not ask you any questions of detail on the Government of India. Am I correct in saying that you have never served in the Government of India ?

A.—No, I have not.

Q.—Under your scheme you would create a kind of dyarchy in the Government of India ?

A.—I am not proposing dyarchy.

Q.—You are proposing a division of Government ?

A.—But only two subjects to be in the hands of the Viceroy.

Q.—Under your scheme there will be two persons as Government of India ?

A.—The Government of India will have charge of all subjects except two and the Governor General will be in charge of two subjects.

(*Mr. Chairman*)—Q.—It is dyarchy then under your scheme ?

A.—To some extent there will be a division, but it is not dyarchy.

(*Mr. Chairman*).—Q.—It might not be what you call dyarchy, but it is division of Government ?

A.—Division of Government it is.

Q.—In paragraph 3 of your memorandum you have drawn attention to the ideal conditions which existed during the first year of your office ?

A.—During the major part of the first year.

Q.—In paragraphs 3 to 6 you have described the gradual deterioration which occurred according to your views afterwards ?

A.—Yes.

Q.—Do I understand you aright that during the first year or some part of the first year Sir Harcourt Butler used to have constantly meetings of the full Government to discuss the more important problems of the province ?

A.—Yes.

Q.—And he gave you, Ministers, comparatively speaking, every latitude so far as the administration of your own departments was concerned ?

A.—Yes.

Q.—Kindly turn to page 4 of your memorandum. Here you have given us in paragraph 7 a quotation from the recommendations of the Joint Select Committee and in that quotation the Joint Select Committee towards the end say :—

" But in cases which are of sufficient importance to have called for discussion by the whole Government, they are clearly of opinion

that the final decision should be that of one or the other portion of the Government as a whole."

From this passage which I have just read it is perfectly clear, is it not, that the Joint Select Committee contemplated discussion by the whole Government on important questions ?

A.—Yes.

Q.—And when the final decision is taken the decision is to be that of the Governor and the Executive Councillors or the Governor and the Ministers as the case may be ?

A.—Yes.

Q.—Then it is perfectly clear that during the greater portion of the first year of Government in United Provinces Sir Harcourt Butler carried out the recommendations of the Joint Select Committee ?

A.—Yes.

Q.—There was nothing which he did which was not contemplated by the Joint Select Committee itself ?

A.—That is so.

Q.—Then, had that state of things continued during the three years of the first reformed council, the Montagu-Chelmsford Reforms might have been a success in your province ?

A.—Yes, according to that view.

Q.—According to that view, had those ideal conditions continued the Montagu-Chelmsford Reforms might have been a success in your province ?

A.—Had those ideal conditions continued.

Q.—Would I be right if I were to say that very probably there would have been success in your province ?

A.—Yes, under those conditions very probably there would have been.

Q.—In other words if in the United Provinces the Governor had adopted the same practice as Lord Willingdon did in Madras, the results would have been otherwise ?

A.—What Lord Willingdon did in Madras I know only by general repute and hearsay. I cannot speak with confidence of what he did in Madras.

Q.—In page 4 in paragraph 8 you cite another passage from the Joint Select Committee's report. Let me invite your attention to one portion of it :—

" But if, after hearing all the arguments, Ministers should decide not to adopt his advice, then in the opinion of the Committee, the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation."

Am I to understand from what you have said in the earlier portion of your statement that this recommendation of the Joint Select Committee was not acted upon during the last two years of the first reformed council in your province ?

A.—Yes, that is so. I should not say not always acted upon, but very frequently not.

Q.—Is it your opinion that if this recommendation had been acted upon, invariably acted upon, the Transferred Departments would have been administered more successfully than was the case ?

A.—Yes, combined with the grant of money.

Q.—Now, at page 5, paragraph 10, you say :—

“ I do believe that the amount of control exercised or sought to be exercised by the Government of India and the Secretary of State—here and now it is immaterial for my purpose which of the two outside authorities exercises it—has been less in the Transferred than in the Reserved departments whether in matters of legislation or administration.”

Here you are speaking from your own experience as a Minister ?

A.—Yes.

Q.—Now, with regard to what you have said under the head Finance Department, I have only two questions to put to you. Is it your case that where the Finance Department and the Minister in charge differed on a question that question had to be referred to the Governor ?

A.—Unless the Minister acquiesced in the decision of the Finance Department.

Q.—And that it was the Governor’s decision which prevailed in the matter and that therefore the final decision in matters of finance connected with the Transferred Departments in such cases did not rest with the Minister ?

A.—It did not

Q.—Now you complain that neither of the Ministers was appointed a Member of the Finance Committee ?

A.—I make a statement of fact.

Q.—Who was the chairman of the Finance Committee ?

A.—The Finance Member.

Q.—The Finance Member himself ?

A.—Yes.

Q.—Then the essence of your complaint is that while the Finance Member who was a member of the Executive Council was not only a Member but the Chairman of this Committee neither of the Ministers had anything to do with the Finance Committee ?

A.—My complaint is that neither of the Ministers had anything to do with the Committee. I think it is right that the Finance Member should be the Chairman.

(*Mr. Chairman*).—*Q.*—You think it right that he should be the Chairman ?

A.—Yes

Q.—At page 7 paragraph 15, this is what you have said :—

“ ‘ The growth of education ’ has been laid down as one of the matters of investigation for the Statutory Commission provided for by section 84A ”,—see (2) of that section, “ —and yet we had considerable difficulty in averting a large reduction of the allotment for primary education, first in 1922 and still more in 1923.”

Do I understand your position to be that because the growth of education has been laid down as one of the matters to be considered, as you have said, probably on the ground that the growth of education is essential for the creation of an intelligent electorate, therefore an increasing amount ought to be spent on the education of the people in general and you were not allowed to do that while you were Minister ?

A.—Not only on that ground but in the interests of the public welfare an increased amount should be spent in all circumstances.

Q.—At page 10 paragraph 19 do I understand you to say that the Ministers were not consulted in matters of legislation even when such legislation referred to their own department ?

A.—That is not what I have said.

Q.—Will you kindly explain exactly what you have said ?

A.—May I know which sentence you refer to ?

Q.—Paragraph 19.

A.—In the first place, the Legislative Department has been treated as a reserved subject, whereas like the Finance Department it should have been treated as a common subject. In the second place, I said the Governor in making nominations to the Legislative Council never consulted the Ministers and even made nominations of persons who were hostile to the Ministers. I complain that they were not consulted with regard to the dates and the duration of council sessions. I complain that they were not consulted with regard to the constitution of any of the Committees of the Council. I think my specific complaints are all set forth there.

Q.—At page 12 towards the end of paragraph 21 this is what you have said, after describing certain actual instances —

“ It is intolerable that certain persons having been selected as Ministers, officers on the reserved side should afterwards be asked or encouraged or permitted to exert influence in favour of anti-ministerial candidates.”

I suppose this was one of the hindrances or obstacles to the success of the transferred side of the Government ?

A.—No, I do not put it forward as one of the major hindrances to the success. I put it forward as showing the spirit that actuated those in charge of the Government in dealing with the Ministers.

Q.—If the spirit had been otherwise, the results which unfortunately according to you occurred would not have taken place ?

A.—If many other things had not been done and many other things had been done along with this.

Q.—In paragraph 22, you say at the end :—

“ Besides, no authority external to the Legislature should have power to intervene in its business.”

I suppose that proposition includes also the proposition that so far as the Legislative Council's is concerned courts of law should have no power to interfere in the procedure of the legislative council ?

A.—The Governor you mean ?

Q.—I mean courts of law. The procedure of the Legislative Council should be entirely in the hands of the Legislative Council ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—Q.—As in Calcutta ?

A.—I understand the reference

Q.—Kindly turn to page 14, paragraph 27, where you have advocated increase in the number of urban representatives on the ground that the interests of the tenants are not properly safeguarded by the landlords ; in fact there is a certain feeling of antagonism between the landlords and the tenants. Is not the proper remedy to enlarge the franchise, give votes to the tenants so that they may be entitled to elect their own representatives to the council ?

A.—I think the tenants have plenty of votes ; I think the tenants have at least 3 votes for one which the landlord has and a mere increase in the number of tenant voters will not secure to tenants independence so long as the relation of landlord and tenant continues to be what it is and the tenant is dependent on the landlord

Q.—I suppose that your new Tenancy Act which has converted their status from tenants at will into at least life tenants has now introduced security of tenure and they will be able to exercise their votes independently now ?

A.—I think you are referring to the Oudh Rent Act of 1921. There is no such legislation yet for the province of Agra, and even in regard to Oudh that concession made to the tenants should be taken along with several other provisions of the Rent Act of 1921 which go a great way to neutralise its effect.

Q.—Will you kindly turn to page 17, paragraph 33 ? Is it your view that it ought to be the concern of the local government to settle as to how many men they want for various appointments and not the work of the outside authority ?

A.—That is so.

Q.—Similarly, in paragraph 35 you say that that ought to be the concern of the Local Government too ?

A.—Yes.

Q.—Before I come to page 39, I should like to put just a question to you with regard to page 26 with reference to a question that was put to you by the Chairman. At the top of that page you have italicised a sentence. Don't you mean by that patronage as regards appointments and no other kind of patronage ?

A.—That is the sense in which it is used.

Q.—Your observation is limited merely to appointments ?

A.—Yes.

Q.—Now kindly turn to paragraph 78. It is very pleasing to see from what you have said in that paragraph that neither in the Government nor in the Legislative Council nor in the general public life of the United Provinces has there been an exacerbation of the Hindu-Muslim feelings since the introduction of the new system of Government. Is not that mainly due to the fact that the ultimate ideal of both the communities is the same ?

A.—It is so.

Q.—I am sure a journalist of your experience and intimate acquaintance with political conditions is aware of the fact that as far back as March 1913 self-government within the Empire was adopted as the ultimate ideal by the Muslim League in Lucknow ?

A.—Yes, I am aware of it.

Q—And this has been reiterated at the recent meeting held at Lahore ?
A—Yes.

Q—That is also the ultimate ideal of the British Government for India and also of the Hindu community ?

A—Yes.

Q—So that, in so far as the common good of the country and the people are concerned, there is really no difference of opinion ?

A—There is no difference of opinion with regard to the ideal.

(*Mr. Chairman*).—*Q*.—I do not wish to interrupt you, but I must make one point clear. I think you are speaking purely politically. You cannot deny that there has not been a good deal of trouble between the Hindus and the Muhammadans lately in the United Provinces ?

A—No, I cannot deny that.

(*Mr. Chairman*).—*Q*.—And this state of things that you have described exists in your province in spite of the fact that the Muhammadans are represented in your Council, District Boards and Municipal Boards through their own separate electorates ?

A—Yes.

Q.—I believe you had something to do with the granting of separate electorate to the Muhammadans in the District Boards ?

A—Yes.

Q.—This state of things may also partly be due to the very fact that the Muhammadans having been satisfied in the demand that they were putting forward for a separate electorate there is now less friction between the Hindus and the Muhammadans ?

A—Yes, one cause of friction has been removed.

(*Mr. Jinnah*).—*Q*.—You are not opposed to separate electorates being continued ?

A—No.

Q.—As a journalist and a politician having intimate knowledge of the actually existing conditions, you are aware of the fact that the generality of Muhammadans want at present to be represented through their own separate electorates ?

A—Yes.

Q—Would you force mixed electorates upon them against their wish ?

A—No, I would not.

Q—Would you agree with me that when the communities have learnt to respect each other's legitimate rights, the next step would be or ought to be proportional representation through mixed electorates, but by mutual agreement ?

A—I hope so.

Q.—And when that state has come into existence, don't you think that what is likely to happen is that the Progressives of both communities—I am using the word 'Progressives' in the larger sense—on one side and the Conservatives of the two communities on the other side will form their two parties within the Legislative Councils and thus the party system will come

A.—That is my hope and belief. But the present constitution of the Government and the position of the Government in the Legislative Councils is not favourable to the growth of a party system on those lines.

Q.—But I am speaking of the period which I have already anticipated. Now I come to your views about the central government. On page 42, paragraph 84, you have dealt with the Secretary of State's control. What is your opinion with regard to the exercise by the Secretary of State of his power of superintendence and control in relation to the internal civil administration of the country?

A.—He should not exercise any such control.

Q.—And with regard to the subjects which have been reserved by the Liberal Party generally, namely Defence and Foreign and Political affairs, what would you say with regard to such control in relation to matters in which the Government of India and the Central Legislature agree?

A.—He should not exercise any control there too.

Q.—You, of course, realise that that object can be achieved under section 19A—by framing a rule?

A.—I do not think so. I speak with diffidence as I am not a lawyer. I am a mere layman. But so far as I have been able to understand the language of section 19A, it is limited by references to the purposes of the Act, among which there is no reference to the introduction of responsible Government in the Central Government.

Q.—Will you kindly just for a moment turn to the language of section 19A? Since you have expressed your opinion on it I would like to ask you one or two questions about it. Is it not clear that the use of the expression " notwithstanding anything in this Act " shows that this section is not controlled by any other section of the Act?

A.—I would not venture upon what is a slippery ground for a layman. But I would draw your attention to the last phrase of the section which says that the delegation of powers by the Secretary of State in Council is only to be in such a manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919.

Q.—I will come to that portion. For the present I am dealing with the words " notwithstanding anything in this Act " the Secretary of State may do so and so. That shows that this provision is not controlled by the other provisions of the Act.

A.—If that had stood alone or if we shut our eyes to the other provisions in the Act, then what you say would, in my opinion, be correct.

Q.—What do you take the meaning of the word " restricted " in this section where it says that the Secretary of State may by a rule regulate and restrict the exercise of the powers of superintendence, direction and control?

A.—It means that he may do with less of superintendence, direction and control.

Q.—He may say " I will exercise my control in these subjects but henceforward I will not exercise it in certain other subjects "?

A.—If you ask me to state it on the basis merely of that particular section, shutting my eyes to everything else in the Act, then I can agree with you.

Q.—That is sufficient for my purposes. Now we come to the 'purposes' of the Act on which you lay so much stress. Will you kindly turn to the Preamble. "Whereas it is the declared policy of Parliament to provide"—I will pass over that portion which is not necessary for the purposes of the present discussion—"for gradual development of self-governing institutions with a view to the progressive realisation of responsible Government". Is not that the purpose of the Act ?

A.—It is one of the purposes.

Q.—The Preamble says "gradual development with a view to progressive realisation of responsible Government". Would it not be consistent with the purpose of the Act for the Secretary of State to gradually restrict his powers of superintendence and control over the Government of India ?

A.—Yes, but subject to the other provisions of the Act.

Q.—What are the other provisions of the Act ?

A.—Section 131.

Q.—Section 131 has been made use of against the view that I have placed before you, while it is favourable to that view and not against it. If the Secretary of State removes his control or restricts his control under section 19A, it has been said that the Government of India will then be irresponsible ; it will not be responsible to anybody. My reply to that is that section 131 still retains responsibility to the Parliament in spite of the removal of the Secretary of State's control.

(*Sir Tej Bahadur Sapru*)—*Q.*—I take it that you are putting your own view of the law to the witness. I would like to say with all respect that that is not the view of the law that I take.

Q.—That is not necessary just now. But the witness can say so if he likes.

A.—What I say is that your statement that by virtue of section 131 the Government of India, after having received delegated powers from the Secretary of State, will not be irresponsible but will still remain responsible to Parliament supports my view that the position that we want will not be attained.

Q.—You told us just now that where the central government and the central legislature agree with regard to any matter concerning defence or the Foreign and Political Department, the Secretary of State should not interfere. Would you go so far as to say that in a matter which has not been referred to the Legislative Assembly, where the Government of India, which means the Viceroy and his Executive Council, including three Indian Members, come to an unanimous conclusion, the Secretary of State should not interfere ?

A.—Yes, I would prefer that.

(*Mr. Chairman*).—*Q.*—You would prefer that ?

A.—Yes, as between the existing arrangement and that which Sir Muhammad Shafi has suggested.

Q.—Similarly would you say that where a provincial government and a provincial legislature agree in regard to any matter concerning internal provincial administration, the Governor General in Council ought not to interfere ?

A.—Yes I do, but you understand that all my answers are subject to a grand proviso

A.—My proviso is that the local government should be responsible in law to the local legislature and the Government of India to the Assembly. I shall not be content with any such delegated authority or any such unwritten conventions as are suggested.

Maharaja of Burdwan.—Q.—I take it that, in view of what you told Sir Muhammad Shafi regarding Muhammadan representation in your Province, you do not hold to the view that two *ex*-Ministers of two different Provinces expressed before the Committee, that, so long as there is communal representation, there is a real obstacle to provincial autonomy?

A.—I may agree with it as an abstract proposition; I do not agree with them in its application to the present circumstances.

Q.—In other words you do not think that is an obstacle in your province at any rate?

A.—No, I do not think so.

Q.—In your province you could still have provincial autonomy with communal representation in the province?

A.—Yes.

Q.—Regarding your views about the working of dyarchy in your province, am I to understand that the ideal state of affairs that existed for the first six or eight months of your Ministership is what you would have preferred if you had remained right through the three years of your term of office?

A.—Yes, that is what I would have preferred if there was to be dyarchy.

Q.—But don't you think that this system of joint deliberation, whilst theoretically very good, in the long run is a real impediment for the Ministers, that is to say, when Ministers are consulted about subjects regarding which they have no real responsibility and then that matter is brought forward in the legislative council, the Ministers find themselves in a very awkward position, having had knowledge of everything and not having had the power actually to control the policy underlying that?

A.—No, that is not what I found where Ministers were consulted fairly and uniformly throughout all the stages of a particular subject. Then, like other Members of the Government, they should bear the responsibility for the advice they gave.

Q.—I mean to say, for instance, during your term of office did any matter of importance on the reserved side crop up before the Joint Government on which, being agreed, you were willing to shoulder that responsibility before the legislative council?

A.—Oh, yes.

Q.—And you think that, even if the Ministers were not responsible for the reserved half of the Government, their advice, if sought by the Governor and his Executive Council, would be helpful not only to the reserved half but would not in any way jeopardise the Ministers' position in the legislative council afterwards?

A.—It would not jeopardise it so long as the consultation is fair and uniform throughout all the stages of the subjects.

Q.—Yes, I am taking a case in which the Governor and the Executive did consult the Ministers in all stages!

A.—If you are taking that case, then it is far better that they should not be consulted at all.

Q.—I do not quite follow that.

A.—I understood your question to mean, whether it would be better for the Ministers that they should be consulted at certain stages only or should not be consulted at all.

Q.—No, my question was that on the transferred side it is not necessary for the Ministers, for instance, to consult the reserved side of Government at every stage.

A.—That is so.

Q.—In the same way it may not be necessary for the reserved side to consult the transferred side at every stage, but it may be necessary to consult the transferred side on a general principle or a general matter of policy. What I say is, when the transferred side is consulted by the reserved half and the Governor, on a matter of that kind, not at every stage, but at particular stages, do you think that such consultation is not only helpful to the whole Government, but that it does not in any way become an impediment for the Ministers with their party or with the legislative council?

A.—As I have said, the consultation should be uniform at every stage. What I meant 'by every stage' was not the routine administrative acts which it would be necessary for any Member of the Government to do and in respect of which there would be no consultation, but where the policy decided on jointly by the Governor, the Executive Council and the Ministers is to be departed from in whole or in part, or where something is to be done which would be inconsistent with the decision which has been already taken, something material which has not been disclosed to the Ministers. In such an eventuality, this partial consultation would really be an impediment to the Ministers.

Q.—That is what I am asking.

A.—I have passed through experiences of various kinds, favourable, partly favourable and unfavourable.

Q.—But don't you think the system, as it at present exists, only makes it possible for partial consultation?

A.—I do not think so. The Act does not provide for any joint consultation.

Q.—The system which prevails?

A.—No, I do not see why it should be so.

Q.—For instance, if the Political Department thinks that certain action is to be taken against certain men in your Province, either for sedition or for some other kind of unhealthy political activity, the Political Department is quite competent to deal with certain of these activities under the existing laws, and as such the Governor may dispose of such cases without even having an Executive Council meeting. But an Executive Council meeting is held, things have gone from bad to worse in the Province, and general action has to be taken, the Ministers are drafted in to consider what should be the policy of Government as a whole. Don't you think that, in a case of that kind, where the Ministers have really no responsibility whatsoever of actually working of these executive actions under which persons are to be put under restraint and so forth, when they are brought into consultation, they are put in a very awkward position afterwards with the legislative council?

A.—To the extent that the Governor without even consulting his Executive Council when taking action.

Q.—I say that the rules provide that the Political Member in charge can do certain things under the existing laws.

A.—What I was going to say was, to the extent that the matter is disposed of by the Governor or an individual Member of the Executive Council, to that extent it is not suggested there should be consultation with the Ministers, but where a matter is considered to be important enough to be considered at a meeting of the Governor in Council, the proposal of joint deliberation implies that it should be not only a consultation between the Governor and his Executive Council, but a consultation between all the Members of the Government.

Q.—What I am trying to get at is this, does this partial responsibility of Ministers in executive matters help the Ministers in the legislative council ?

A.—I can only say it all depends upon the manner in which they are consulted and the manner in which decisions are come to.

Q.—Did you and your colleague find difficulty in any matter of that kind when you were Ministers ?

A.—We found a difficulty when we were taken into consultation at a certain stage and not throughout. The fact that we were taken into consultation was advertised abroad and afterwards we were quietly dropped out and action was taken by the Governor in Council as if there were no Ministers in existence and as if the Ministers had never been taken into consultation before. Such cases did arise and then we found ourselves in trouble.

Q.—That is what I am asking ; that is where the weakness of the present system exists. Do you think that that is a weakness of the present system ?

A.—I consider the present weakness is that everything is left to the individual discretion of the Governor.

Q.—Now as regards dyarchy, supposing Sir Harcourt Butler did not have the joint deliberation which he started wisely according to the injunctions of the Joint Parliamentary Committee, supposing he had worked dyarchy as dyarchy is really understood, do you think your position would have been better or worse ?

A.—It would have been better in certain respects, and worse in certain other respects. At all events it would have been thoroughly intelligible.

Q.—Supposing now in any Province where there has not been sufficient progress say for further advance, if dyarchy was worked in that way, you would approve of it ? I know that most of the people in this country do not like dyarchy; that is the general concensus of opinion that has been brought before this Committee, but up to now I have not been able to get at any actual forceful opposition to dyarchy as a principle. What I want to know is, supposing in any Province which was not fully advanced, would you advocate, if that dual system had to continue in such a Province, that dyarchy should be worked in the sense that you understand dyarchy and not in the sense of joint deliberations ? I mean to say give a fair trial to dyarchy, would you advocate it ?

A.—I think the opposition to dyarchy was very forcibly demonstrated in a backward province like the Central Provinces and in a very advanced Presidency like yours.

A.—As regards the question you have put to me, my answer, without prejudice, is that the conviction that I hold is the one I have expressed here against the continuance of dyarchy. If I was asked to state whether I would prefer dyarchy ; if I was told that there could be no complete responsible government and that dyarchy must be maintained and asked, whether it should be strict dyarchy or dyarchy as the Joint Parliamentary Committee recommended it, I would say certainly as the Joint Parliamentary Committee recommended it.

Q.—You would not have what is called strict dyarchy ?

A.—No ; I said as the Joint Parliamentary Committee explained it—that is, mitigated dyarchy

Q.—Will you kindly tell me—do you consider, so far as your province is concerned, that your province is, from your own political point of view, ready for full provincial autonomy ?

A.—Certainly.

Q.—Supposing that was the view expressed by certain other provinces, who thought that they were also sufficiently advanced to have full provincial autonomy, have you ever given thought to this fact—that there would then be really very little need for a Legislative Assembly ? You talk of bringing in a form of dyarchy in the central government ?

A.—I don't. I have suggested a division which is not dyarchy.

Q.—Well now, instead of that divisional government, supposing you had a Governor General assisted by so and so who had these departments under them, controlled only those departments—do you think that a Council of State and those departments would be sufficient for the Central Government, and that larger powers being delegated to what you call provincial governments and provincial governments practically becoming autonomous, there would be very little room for a Legislative Assembly ?

A.—I think there will still be very great room because a number of subjects must always remain central, so long as the country is one unit. It will not be only military or foreign affairs, but railways, post office and telegraphs, exchange and currency, and such like things that will have to be under the central government.

(*Mr. Chairman*).—Q.—You would not advocate the delegation of those to your provincial governments ?

A.—No.

Q.—That is to say, you would not have your own coinage or your own postage stamps ?

A.—No, I would do without those luxuries.

Sir Henry Moncrieff Smith.—Q.—Mr. Chintamani, at the end of paragraph 10 of your memorandum you say “I can, if called upon to do so, grapple instances within my knowledge of interference or attempted interference by Delhi or Simla or by Whitehall where I was and am convinced there should have been none.” You are talking, I take it, of interference in transferred subjects there. You had in mind transferred subjects.

A.—Yes, I had in my mind transferred subjects.

Q.—Do you mean that rule 49 of the Devolution Rules is infringed in its interference ?

Q.—And if the rule is not infringed by the Government of India, then your complaint is against the rule rather than against the Government of India ?

A.—Actually my complaint is both against the rule and the Government of India.

Q.—Now can you, if called upon to do so, cite instances—I want you to tell the Committee if you can think of any legislative proposals of your own that were hampered by interference on the part of the Government of India ?

A.—I may mention the Allahabad University Act of 1921—not exactly hampered but trouble and uncertainty caused. And delay in the case of the District Boards Bill of 1922, for which Pandit Jagat Narayan and I were jointly responsible.

(*Mr. Chairman*).—*Q.*—It was not your own ?

A.—No. Then there was the Aerial Ropeways Bill.

Q.—Did that become law ?

A.—Yes.

Q.—Any others ?

A.—You asked me about legislative measures—those are the principal ones.

Q.—In paragraph 16, Mr. Chintamani, you refer to that circular from the Finance Department. I put it to you that the circular did no more than this—to tell the heads of departments that it was no good sending up proposals to the Finance Department asking for financial sanction because there was no money.

A.—The heads of departments never send their proposals to the Finance Department. The heads of departments only send them to their own respective Members.

Q.—You say heads of departments put proposals up to Ministers ; the Ministers sanctioned them administratively, and the Secretaries then took the case to the Finance Department to get financial sanction ?

A.—Yes.

Q.—I put it to you that the only meaning of that circular was that it was no good going to the Finance Department for financial sanction because there was no money. It did not prevent heads of departments or Ministers from pursuing the discussion of their proposals.

A.—I fear I cannot agree with you, because the heads of departments, even after administrative sanction has been received, do not go to the Finance Department themselves. The work of the heads of departments begins and ends with the Member in charge of their own department. Everything else is with the Secretary to Government and the Minister ; and when the Governor in Council, without the concurrence or knowledge of the Minister, addresses the heads of departments telling them they must not make any proposals, the only effect is to prevent them from putting forward any proposals to their respective Ministers. It is after all quite possible that when a proposal comes up before a Minister he might consider it so important that he would be willing to make a surrender of money set apart for some other purpose ; but according to that circular he is stopped altogether, he cannot do anything because the heads of departments have to obey it.

Q.—You complain, Mr Chintamani, that you were not consulted about the dates of meetings, or the duration of the session, of the legislative council. Now you know that the Act, so far as the first date is concerned, gives the discretion to the Governor ; but you think that the Governor should always consult all departments ?

A.—No, the Governor himself does not know what business there is for the legislative council except from the information he gets from the members of the Government.

Q.—But you say—do you not ?—that the Secretaries or Deputy Secretaries in the departments were asked to send up a list of the business that Ministers wanted to bring forward at the forthcoming session ?

A.—Yes, they did, otherwise they could not make up their agenda of business.

Q.—But why should you desire any more than that ?

A.—Why should other members of the Government be consulted or get more information ?

Q.—What information ?

A.—If the convenience of other members of the Government is consulted with regard to dates, with regard to the duration of the session, with regard to the distribution of business and all these matters relating to the legislative council, why should the Ministers be prevented from having the same facilities ?

Q.—Do you know that is done ?

A.—It is done. The Finance Member determines everything.

Q.—But as leader of the House ?

A.—As the Member in charge of the Legislative Department.

Q.—But suppose you had a separation in the United Provinces, supposing that the establishment of the House was separated entirely from the local government, you might have a legislative Department which was not the Legal Department ; the legislative council would have its own establishment, its own Secretary.....

A.—It has its own Secretary.

Q.—I do not know whether it has got a complete establishment.

A.—Well, the Secretary's business is to look after the arrangements in the Council Chamber, to see that the agenda of business is printed and copies distributed, reports circulated and so on.

Q.—He is a servant of the House, not a servant of Government ?

A.—All this is done by the Secretary of the legislative council, who is not the Secretary in the Legislative Department of the Government. the two offices are distinct.

Q.—I am trying to understand what your complaint is. You say the Finance Department had certain information, but he happened to have that information merely because he was the head of the department which for the time being was running the Legislative Department.

A.—I may point out the change of practice there has been after the first year. In the first year every member of the Government Executive Councillor and Minister, was consulted as to when, in his judgment, the next session of the Council should be called, what in his judgment, should be its duration, how in his judgment the business should be distributed. All the four opinions were put together and the

Department for approval of the Governor. But after the first year the whole thing was dropped. That procedure was absolutely dropped and the Ministers were not consulted.

Q.—I understand your departments were asked what business they had to bring forward ?

A.—I have pointed out two things—that the legislative council and the Legislative Department should be treated as a subject common to both halves of the Government ; and in the second place that there was a change of practice between the first year and subsequent years.

Q.—I still fail to understand the grievance. As the result of the change in practice were you prevented from getting any measure through during any particular session ?

A.—That could not have happened.

Q.—Then what is the grievance ?

A.—What I have pointed out—that it is treated as a reserved subject, and the courtesy shown to Ministers at first, was afterwards withdrawn through no fault of their own.

Q.—May I suggest to you that it is a purely sentimental grievance ?

A.—I consider any distinction of any sort between the Executive Council and the Ministers to be a very practical grievance.

Q.—In paragraph 22 you say the Governor should not have the power to disallow questions. Has your Governor ever disallowed questions ?

A.—Yes.

Q.—Could you refer me to the rule under which he disallows questions ?

A.—I understand that the President disallows Questions and the Governor disallows Resolutions.

Q.—You would qualify your answer in that respect ?

A.—I am quite willing to qualify it if that be so.

Q.—As regards Resolutions, you know what the restrictions are at present on the moving of Resolutions ?

A.—Yes.

Q.—And the Governor has power to disallow Resolutions because it is not primarily the concern of the local Government ?

A.—It is the President who should do so.

Q.—Can you tell me how a Non-Official President will be in a position to know whether a matter is primarily the concern of the local Government or not ?

A.—I think that on the face of it the Resolution will show to the Non-Official President who reads the relevant section of the Government of India Act and the rules relating thereto whether it is or is not primarily the concern of the local Government. If on occasion there should be a Resolution of such a nature that the President finds some difficulty in making up his mind, he can consult the Governor, the Government Member, the Legal Remembrancer or anybody else he chooses.

*Q.—He will be giving an *ex parte* decision in that case, would he not ?*

Q.—Would you allow your President to give a hearing to the Member who gave notice of the Resolution also ?

A.—I do not think that that is necessary. I want only to exclude an authority external to the legislative council from exercising such a power. Even at present it is *ex parte*.

Q.—You think that the President will practically always be in a position to decide these matters for himself though he is not in the Government ?

A.—I think so.

Q.—And he should have no concern with the Government ?

A.—No

Q.—Talking about an authority external, I presume you are aware that the Governor is part of the legislature under the constitution ?

A.—If he is a part of the legislature, it is only in the sense that he goes and opens the council, that he receives addresses from the council, he has the power of vetoing Bills or doing such like things. Otherwise, how is he a part of the legislature ?

Q.—He assents to Bills.

A.—Well, if he is a part of the legislature, then he is an external part of the legislature.

Q.—What is your idea of the functions of the Council Secretaries ? What is your conception of the functions that they should exercise ?

A.—Analogous to the functions of parliamentary Under-Secretaries in England—to relieve and assist their respective Members of Government in their work in the legislative council ?

Q.—Would you appoint them on both sides ?

A.—Yes.

Q.—Did you have any Council Secretaries in the United Provinces ?

A.—We had 2, one on the reserved side and one on the transferred side.

Q.—Not one for each Department ?

A.—No.

Q.—Or one for each Minister ?

A.—No.

(*Mr. Chairman*).—*Q.*—Did you find them useful ?

A.—I had no Council Secretary for myself, but Pandit Jagat Narain found him very useful.

(*Mr. Chairman*).—*Q.*—You did not use him ?

A.—No.

Q.—Do you think you would always be very happy if you had a Council Secretary and you decided not to go down to the House one day but let the Council Secretary do the work entirely ? It would depend, I presume, on the personality of the Council Secretary.

A.—It is not a question of happiness. It depends upon the various circumstances relating to business.

Q.—Would you maintain the present position that Council Secretaries are to be appointed by the Governor ?

A.—It would not be necessary in the case of cabinet government.

Q.—The Act lays down in definite terms that the Governor in his discretion shall appoint Council Secretaries.

A.—That is so under the present Act.

Q.—Would you alter it?

A.—I think I should alter it. I should leave it entirely to the discretion of the Members of the Government.

Q.—You would leave it to individual members. You would not have the Government appointing Council Secretaries as a whole. You will allow each Member of Government to appoint his own Council Secretary?

A.—But the difficulty is my proposals are based on different assumptions altogether.

Q.—You say in paragraph 24 that Council Secretaries will undoubtedly prove useful and so on.

A.—So long as a Member of Government wants to have a Council Secretary and the Governor says, "All right, have him" let him have him. No difficulty would arise.

Q.—Would you maintain the present provision of law that the pay of Council Secretaries should be voted by the Legislature?

A.—Certainly.

Q.—Don't you think the position of Council Secretaries on the reserved side of Government might be rather difficult?

A.—The position of a Council Secretary on either side of the Government is difficult so long as the permanent secretaries of the Government and the Heads of Departments are also members of the Legislative Council.

Q.—Why is that? You know the transferred side.

A.—Because he would have little to do. The permanent Secretaries are in the Council. Most of the Heads of Departments are in the Council. They know a great deal about the business of their Departments.

Q.—Suppose a Council Secretary was appointed in each Department on the transferred side. Then the permanent Secretary will let him take the oath in the Council. Then there would be no difficulty.

A.—Then he would have more to do, and would make himself more useful.

Q.—On the reserved side?

A.—The same thing.

Q.—He will have more work to do?

A.—Yes.

Q.—How about his position?

A.—His position will be also identical with that of the Council Secretary on the transferred side.

Q.—The results will be just the same?

A.—I think so.

Q.—Talking of the Official Members of the Council you say that the freedom of vote, which according to the Joint Select Committee's report is theirs, is seldom accorded to them in fact. The vote is ordinarily by mandate. Is that quite consistent with your complaint at the end of paragraph 20 where you complain that the Secretary in charge of a Department took a line of his own?

A.—In paragraph 24 I described the position as it was.

Q.—You say that freedom of vote was seldom accorded to them.

You complain on that account.

A.—I have put it by way of a description of the existing position, not by way of complaint.

Q.—Was it worth mentioning if you had no complaint about it ? What would you do about it ?

A.—I would remove them from the Council itself.

Q.—But if they are there, what would you do ? Suppose there is to be a small official bloc still maintained in the Councils. What would you do with regard to the freedom of vote ?

A.—I would treat it as a necessary evil and exercise my judgment as to what best to do with it. I would exercise my judgment on each occasion as to what is the best thing to do.

Q.—I do not quite follow you.

A.—You asked me what I would do with regard to the official bloc if it must be maintained in the Council—whether I would give them freedom of vote or would ask them to vote by mandate. I replied that I would treat it as a necessary evil and that I should decide according to the circumstances of each case whether they should be given freedom of vote or whether they should be asked to vote in a particular way.

(*Mr. Chairman*).—Q.—You would have no general rule about it ?

A.—No general rule.

Q.—In fact, it will come to this. If the Secretary wanted to vote or speak against you, you would not accord him freedom of vote, but if you thought he was on your side, you would not mind giving him freedom of vote.

A.—That is not in my mind. In the hypothetical contingency which you have mentioned, I said that with regard to the nature of each subject I would decide whether to give them—not one individual, not my Secretary or anybody else, but all the official members—freedom of vote or restrict them to vote in the way the Government might tell them to do.

Q.—I take it that there are subjects in regard to which freedom of vote is justifiable.

A.—Undoubtedly.

Q.—In paragraph 25 you express an opinion that the Standing Committees were no better than the old Advisory Boards. In fact, they were not so good.

A.—That is my opinion.

Q.—Could you explain to the Committee exactly what the difference is between the two ?

A.—The Advisory Boards consist of members who may not be members of the Legislative Council, but who, in the opinion of the Government, possess special knowledge and will make themselves specially useful as members of those bodies, whereas Standing Committees of the Legislative Council will have to be restricted in personnel to the members of the Legislative Council. We have, in the United Provinces, a Board of Industries, a Board of Public Health, a Board of Education, and various bodies like these. They consist partly of members ex-officio, and partly of officials and non-officials nominated by the Government and members

elected by the non-official members of the Legislative Council and by outside public bodies like Chambers of Commerce, Landholders' Associations, and so on.

Q.—That is the main difference ? One consists entirely of members of the legislature and the other includes members who are not members of the legislature ?

A.—Yes.

Q.—You think it is better that you should have outsiders ?

A.—Yes.

Q.—Is that entirely consistent with your conception of responsible Government ?

A.—Absolutely. These are advisory bodies.

Q.—There is nothing to prevent a Minister taking outside opinion now ?

A.—Nothing.

Q.—But if there is a body connected with the local Government and in a sense with the legislative too, you still think it desirable to call in members from outside ?

A.—It is not connected with the legislature.—It is a body set up as an administrative act by the Government merely to advise.

Q.—If you had your Advisory Board, would you feel that you can go to the legislature and say, "Here is my proposal ; I put it before the Advisory Board and they approved of it" ?

A.—I can.

Q.—The legislature will say, "We are not responsible for the Advisory Board."

A.—Quite so. I am not prevented from informing the Legislative Council that I am fortified by the support of such a body nor is the Legislative Council precluded from turning down the proposal in spite of the support of that Board.

Q.—Do you think that would help you ?

A.—It certainly has been helpful. It has been found to be so by every Member of Government.

Q.—In paragraph 30 you say that you would abolish the provision in section 80A (3) which requires the previous sanction of the Governor General to certain classes of legislation.

A.—Yes.

Q.—You would abolish it entirely ?

A.—Entirely, or almost entirely.

Q.—That is just what I want to get at. What does the "almost" mean ? Would you have a reservation ?

A.—I am not in a position to give any authoritative reply to that question. I have used the alternative "almost entirely" more as a matter of caution than that I can think of anything specifically to suggest the necessity of reservation.

Q.—You are familiar with section 80 A (3) ?

A.—I was made familiar with it.

Q.—For instance, suppose you introduce a Municipal Bill which proposes as a municipal tax a surcharge of 50 per cent. on income-tax. Do you think you should be allowed to do so without any control whatever?

A.—It is the local Government that would introduce such a Bill. No non-official Member could introduce such a measure.

Q.—I am asking with regard to a Member of the local Government.

A.—It depends upon the rules, whether the local Government can trespass upon the taxation province of the Government of India.

Q.—My question was, do you think that you, as a Member of the local Government, should be permitted without any control or any requirement of previous sanction to introduce such a measure?

A.—I see no harm in being permitted to introduce such a measure. You can always veto it.

Q.—You do not advocate prevention rather than cure?

A.—In the name of prevention rather than cure a great deal of effective and active interference can be kept up.

Q.—You rely on the veto as sufficient?

A.—Yes.

Q.—Is it not throwing rather an onerous responsibility on the Governor and the Governor General?

A.—No. I think it is part of their powers, it is part of their privileges, it is part of their responsibilities.

Q.—These are powers which they should exercise if their conscience dictates to them so?

A.—That is what they do at present, I understand.

Q.—Can you refer me to any Bill in the Central Legislature or in the Provincial Council to which the Governor General or the Governor has refused his assent since the Councils were reconstituted?

A.—Whether it has been vetoed?

Q.—I understand veto with regard to a Bill means refusal of assent.

A.—At the introduction stage or after passing?

Q.—I say, refusal of assent.

A.—If he has not refused assent it must be, because he must have satisfied himself that it was not a case where he should refuse assent. It is my duty to presume that such functionaries as the Governor General and the Governor of a province exercised the power and responsibility conferred or imposed upon them.

(*Mr. Chairman*).—*Q.*—The question was whether you could give any instances of a Governor or the Governor General having refused assent to a Bill?

A.—There are not many instances of that. You mean refused assent after the passing of the Bill?

(*Mr. Chairman*).—*Q.*—Assent means assenting to the Bill after it has passed throughout the legislature.

Q.—You say there are not many. Can you cite any instance? Can you think of one?

A.—I must go back to the Punjab Colonisation Bill, the Madras Hindu Gains of Learning Bill, the Orissa Tenancy Bill. There is no instance particularly in my province.

Q.—Would not one effect of relying solely on the veto be that there would be an occasion for agitation ?

A.—There could be that occasion for agitation even if sanction to its introduction is withheld.

Q.—But the Bill is not before the public when the question of sanction arises ?

A.—There are various ways in which it will become public

Q.—I see you suggest that really the best solution is to give power to the Governor or the Governor General to return the Bill for further consideration ?

A.—To retain the power which he now has.

Q.—Has the Governor General got power to return a Bill ?

A.—Yes

Q.—In all cases ? You need not worry about that. The law is before us.

Q.—You suggest that this is a remedy which will prevent waste of time on important and useful measures of legislation ? Would you like to qualify that at all ? Do you not think that waste of time is prevented by getting this matter of previous sanction settled beforehand ?

A.—I won't regard it as waste of time. The Governor General or the Governor would know what the legislature thought of a measure, when he sits down to make up his mind whether to give his assent or withhold his assent.

Q.—At all events, whether it is a waste of time or not, you will agree with me that there will be more delay than at present in getting legislation through ?

A.—The delay will be minimised in the first instance. Bills will be introduced without enormous wasting. As regards waste of time by discussions, all parliamentary Government involves waste of time by discussions. It cannot be helped.

Q.—You complain about Commissioners, Deputy Collectors, Collectors, district officers and so on that they are utilised in the administration of transferred subjects. They themselves are a reserved subject.

A.—Yes.

Q.—But they are utilised in the administration of transferred subjects. What is your remedy ?

A.—My remedy is, in the first place, not to have a distinction between reserved and transferred, and if that remedy is unattainable, or to the extent that it is unattainable, to do away with those rules which require certain places in the departments now transferred to be filled by officers who serve on the reserved side.

Q.—Suppose Law and Order were a transferred subject and you have Excise also as a transferred subject. Would not very much the same difficulties arise between the two departments as arise now ?

A.—The very fact that they are both transferred will do away with the particular kind of difficulties of which complaint is now made.

Q.—Suppose you have one Minister in charge of Law and Order and another Minister in charge of Excise—separate Ministers,—you will still have your executive officers serving two Ministers ?

A.—But they will be Ministers in a joint household.

Q.—Some people think that they were or should have been at all events under the present system.

A.—I do not follow you.

Q.—On this very point you complain that there is not a clear cut division between the transferred half and the reserved half and that there cannot be ?

A.—Yes.

Q.—Is it possible, do you think, to have a clear cut division between a department and a department, leaving aside the question of transferred and reserved ?

A.—I have stated I do not consider it possible, and I should not consider it desirable.

Q.—You do not consider it desirable ?

A.—I do not consider that there should be such a clear cut division between one part of Government and another part of it.

Q.—Well, you say that because you call your member of Executive Council a Minister, all difficulties will disappear ? Because there are four Ministers instead of two Members of Council and two Ministers, a clear cut division between the two departments won't matter at all ?

A.—The precise difficulties of the nature to which attention has been drawn in this part of my memorandum will disappear whether the whole of it are Executive Council members or all are Ministers. Difficulties of another nature may arise, but dyarchical difficulties will not exist in any unitary Government.

Sir Tej Bahadur Sapru—**Q.**—I take it that you were one of those

Indian gentlemen who were examined before the Joint Parliamentary Committee in England when these reforms were under consideration ?

A.—Yes.

Q.—I suppose you and many of your way of thinking approved of the principle of dyarchy on the ground that it afforded you control in some departments and an effective voice or say influence in other departments ?

A.—That is so. Not that we approved of it, but we supported it.

Q.—You supported it on those grounds ?

A.—On the main ground that we had no hope of getting anything better at that time.

Q.—But you will agree with me that one of the grounds which was put forward in favour of dyarchy was that it would give the Ministers control in certain departments and influence in others ?

A.—Yes, that was put forward as an argument against its critics.

Q.—Having worked dyarchy for nearly 28 months you have lost any such love as you might have had for dyarchy at any time during your official experience ?

A.—My dislike of it has increased.

Q.—Can you please explain to me the curious phenomenon that those

A.—I think there are two causes for it. The first cause is what I have ventured to state in paragraph 80 in relation to another subject.

Q.—Will you briefly explain that to me ? Those who disapproved of dyarchy at the initiation thoroughly approve of it now and swear by it and those who were prepared to give it a trial, having given it a trial, now entirely disapprove of it ?

(*Sir Sivaswami Aiyer*).—Q.—Are you referring to officials ?

Sir Tej Bahadur Sapru.—Officials and others too.

A.—The general ground is that the conservative-minded oppose any innovation when it is proposed and when it becomes a fact they reconcile themselves to it and become its staunchest defenders. Those who are now supporting, I will not say, approving, dyarchy are probably apprehensive that unless they support it and unless they hold the opinion or express the opinion that it is workable something which from their point of view will be infinitely worse than dyarchy may become a fact.

Q.—How will it become worse from their point of view ?

A.—More power will be transferred to the representatives of the people of India.

Q.—Am I right in assuming that when you started on your career as a Minister under this dyarchical system you found that you could depend upon the support of your official colleagues and your secretaries and every one with whom you came into contact as an official and that after a little time you found that things were not quite so favourable ?

A.—Yes.

Q.—That was your general impression ?

A.—Yes.

Q.—I do not want you to make any reference to any single personality by name or otherwise. But would you tell me when this change precisely came about in your official career ?

A.—I think I saw the faint beginnings of it during the discussions on the Oudh Rent Bill.

Q.—When was that ?

A.—It was October-November 1921.

Q.—Am I right in assuming—I am speaking from memory, I remember having read that at the time, it was a subject of great comment here and at Delhi,—that your Government was the only Government at that time which presented the unique spectacle of a member of the Executive Council speaking against a Minister in open Legislative Council ?

A.—That was in November 1922.

Q.—That is to say, against what policy of the Minister did the member of the Executive Council speak ?

A.—It was the question of the quantity of Moslem representation by means of separate electorates provided in the District Boards Bill.

Q.—And how did the voting go on that occasion ?

A.—Among non-official members voting went by creed and community, the Moslem members voting in favour of a particular amendment and non-Moslem non-official members generally voting on the side of the Ministers. The official members in the first division voted as a whole—I think there was only one exception—with the movers of the

amendments, that is, against the Ministers. On the second day the Finance Member made a speech calling upon the official members to vote with the movers of those amendments and against the Ministers ?

Q.—That happened openly ?

A.—Yes, but in spite of that certain official members voted with us.

Q.—And I suppose that that instance gave you a very rude shock ?

A.—It was a shock, the more so because that particular Finance Member was himself completely identified with the proposals put forward by the Minister.

Q.—Then can you explain this sudden change of allegiance or love or loyalty ?

A.—I am afraid it is more than I can explain except that I was a victim of it.

Q.—What were your relations generally speaking with the non-official members of your Council ?

A.—Generally speaking, they were very friendly.

Q.—Is it true that you could not have carried on your work as a Minister and also Pandit Jagat Narain unless you received the support of the officials and that the non-official members gave you a cold shoulder ?

A.—It is not true.

Q.—Now, in answer to a question put by Sir Henry Monerieff Smith you referred to the Allahabad University Act as an example where Delhi and Simla interfered ?

A.—Interfered or sought to interfere.

Q.—Now, will you please tell the Committee whether that was an interference on grounds of policy or on certain legal grounds ?

A.—I have in mind interference or attempted interference on grounds of policy.

Q.—Will you please indicate what was the nature of that interference ?

A.—In the Lucknow University Bill which was passed in the previous year by the unreformed council two sections were inserted, one providing for control by the Governor General in Council in the matter of the recognition by one University of the degrees of another University and one or two other matters and providing also for the composition of Selection Committees in England which should include persons nominated by the Secretary of State and providing for power to the Secretary of State or to the local Government to make the appointments to the University in case that Selection Committee failed to make a recommendation or that recommendation did not meet with the acceptance of the University itself. In 1920 in the unreformed council this was opposed by us non-official members. Our opposition prevailed with the Government in the Select Committee. When the Bill came back before the Legislative Council the Government explained that they were obliged to move to insert those clauses which had been deleted by the Select Committee under orders of the Government of India.

Q.—When was that ?

A.—September 1920.

Q.—That was before the Reforms ?

A.—It is necessary for me to mention this in order to make intelligible what I am going to say in regard to the next year's Bill. In framing the Allahabad University Bill in 1921 under the new system of Government, I, as the Minister responsible, deleted these particular provisions because I had been opposed to them in the earlier Bill. The Bill had to be sent to the Government for sanction to its introduction. Then we received a number of communications, partly postal and partly telegraphic, from your department—you were then the Law Member—and partly from the department of Sir Muhammad Shafi. The gist of these communications was this. " You should restore in this Bill the particular section which you had in the Lucknow University Act, namely, that the Governor General in Council should be the authority which should empower the University to recognise the degrees of other universities."

(*Mr Chairman*).—*Q.*—Mr. Chintamani, I am sorry to interrupt you. Was that an order or an advice ?

A.—That will come out in the next one or two sentences.

Q.—Were you told that it was the peremptory wish of the Government of India or that it was an order ? Did you interpret it as an advice ?

A.—We interpreted it—'we' includes the Governor—we interpreted it as advice given by a party who had the power of stopping that legislation at any stage.

Q.—Were you told so ?

A.—On consideration of what appeared to be merely advice at the first stage, we came to the conclusion that we were unable to accept that advice and we informed the Government of India that we did not agree to the insertion of those clauses. But almost on the eve of the introduction of the Bill, there came another telegram which stated : " You please do it. We advise you again. If you do not take our advice, we reserve to ourselves the power to advise the Viceroy to veto the Bill."

Q.—That was treated as a peremptory order ?

A.—That was interpreted by the experienced Governor—I was an amateur—and the permanent officials as a hint that there would be veto unless when the Bill was before the Council these provisions were included. There was anxious consideration and we were anxious neither to lose the Bill nor to insert the clauses. In the end we said to the Government of India that we would not. We decided that if they vetoed it I was to resign my Ministership as well as my membership of the Council and seek re-election on that issue, the battle cry being the interference of the Government of India in a Transferred Department.

(*Mr. Chairman*).—*Q.*—As a matter of fact the Government of India did not interfere ?

A.—No.

Q.—And they yielded to your wishes in this matter ?

A.—Yes. We went forward with our business. The Bill went to the Government of India for the Viceroy's assent. We had to wait for a couple of months. All sorts of apprehensions were afloat—there were communications from Delhi and so forth, and luckily in the end the Bill received the assent and it became law.

(*Mr. Chairman*).—*Q.*—Then you prevailed, Mr. Chintamani ?

A.—Yes, I prevailed. As a matter of fact, until the date of my resignation I prevailed in all matters by showing that I was ready to go out.

(*Mr. Chairman*).—Q.—You must then have enjoyed absolute autocracy ?

A.—I would not have been sorry if I had, but it was not so.

Q.—With regard to the standards of the University, what is your view ? Have the standards of the Universities at Allahabad or Lucknow gone down since the new Reforms came into existence ?

A.—No.

Q.—Why is it that it is pointed out that the standards of Universities have been lowered ?

A.—It is not a fact.

Q.—Now, so far as the Allahabad University and the Lucknow University are concerned, they are teaching Universities now ?

A.—Yes. The Allahabad University has also an external side.

Q.—Has the number of passes in these two Universities during the last two or three years been greater than it was before ?

A.—I believe so.

Q.—If the number of passes has been greater, is it a fair inference from that that the standard has been lowered ?

A.—Not necessarily.

Q.—What do you attribute it to ?

A.—I consider that the standard of teaching has considerably increased.

Q.—You have got a larger number of Indian Professors in these two Universities than you had before ?

A.—Yes.

Q.—Most of these Indian professors are men with Honours degrees of Oxford and Cambridge and other European universities ?

A.—And may I add that many of them are I. E. S. officers also ?

Q.—Has there been any undue competition between one University and another in the United Provinces in the matter of admission of students ?

A.—I have neither seen it, nor perceived it, nor heard of it, nor do I believe it.

Q.—So far as Benares and Aligarh Universities are concerned, they had nothing to do with you ?

A.—Nothing whatever.

Q.—They were in charge of the Central Government ?

A.—They are only geographically in the United Provinces.

Q.—But in fact in charge of the Central Government ? Then I suppose this cry that the standards have become lowered goes back to the time of Lord Curzon and whatever you may do the cry will remain there ?

A.—But hope triumphs over experience.

Q.—Would you please tell me whether there was anything in the Universities Conference Report here—I do not know, you may have read it—which showed that the standards had been lowered ?

A.—All that I could make out from the newspaper reports that I have seen was this, that an apprehension was expressed that the increase in the number of Universities might lead to a lowering of standards.

Q.—It was not positively found ?

A.—It was not stated as a fact to the best of my knowledge and belief.

Q.—I will leave the question of Universities. Will you please tell the Committee what was the state of education, primary education, in the province when you joined your office and what was it like when you left it ?

A.—Except that some more money has been spent and some more schools also have been opened I do not think there has been any very material difference. I may just mention that compulsory education has been introduced in several municipalities during that period

Q.—I am told that in certain quarters the view is held that there was a tremendous waste of several lakhs of money on primary education and secondary education ?

A.—I know about that complaint

Q.—How do you meet that complaint ?

A.—It has been greatly misinterpreted. In his Annual Report for the year 1921-22 the Director of Public Instruction in the Chapter on Primary Education pointed out that a large number of students left school at the end of the lower primary stage ; that that was practically a waste and they should by some means or other be induced to study till the end of the upper primary course. Proceeding, he said, that the voluntary basis experience did not give him much hope of success in getting an increase of attendance in the upper primary course and that in compulsion lay the remedy ; and so long as that remedy was not applied and this wastage of stopping education at the end of the lower primary stage continued, it might be said that money was being wasted. The Government did not accept his view of the matter about this waste of money. Doubt having arisen in the minds of several members of the Government as to what exactly the Director meant, the report was referred back to him and he was asked to explain his meaning. He replied to say that he did not at all mean that present efforts should be abandoned, he did not mean that the expenditure should be reduced that all that he meant was to spur on the Government to introduce compulsory education even in rural areas. In the Resolution of the Governor acting with his Ministers on that Report of the Director of Public Instruction it is very clearly explained that the meaning is not that money is being wasted or that the expenditure should be cut down, that present efforts should go on and increased effort should be made on the voluntary basis until we are able to introduce compulsion.

Q.—So that I take it that they misrepresented that the Director's opinion was that the money was being wasted ?

A.—I should think so, because there is the Director's explanation that it was not his meaning.

Q.—With regard to secondary education, I think you introduced Secondary and Intermediate School Education Act ?

A.—Intermediate Education Bill.

Q.—That was passed ?

Q.—And in accordance with that a number of Intermediate Colleges were established ?

A.—Yes.

Q.—And I suppose it was done because the Sadler Commission recommended it ?

A.—Yes.

Q.—And they looked upon that step as a step towards efficiency and the raising of the standard of education ?

A.—Yes.

Q.—And you have carried that out ?

A.—Yes.

Q.—How many Intermediate Colleges have been established in the United Provinces during your term of office ?

A.—About half a dozen private High Schools were given aid to add Intermediate Classes. Two or three Government colleges were established and afterwards we were stopped for want of funds.

Q.—With regard to the question of landlord and tenant, there is a Tenancy Bill under consideration now for the province of Agra ?

A.—It has not been introduced.

Q.—It has been under consideration for a number of years ?

A.—Since 1910.

Q.—What is it exactly that the tenants in the province of Agra demand ?

A.—They would like to have occupancy tenure. In all circumstances they would like to have security of tenure and safeguards against frequent and unreasonable enhancements and evictions.

Q.—Whenever there was controversy between landlords and tenants in your Legislative Council on anyone of such matters, what was the attitude of the middle class members of councils ?

A.—Pro-tenant.

Q.—But I suppose you will agree that there are a certain number of enlightened landlords, zemindars, in your province who would favour justice being shown to the tenants ?

A.—That is so.

Q.—Now, I suppose you are fairly familiar with the United Provinces ?

A.—I hope so.

Q.—You know practically every district ?

A.—I have been to every district except one.

Q.—Now, would you please tell the Committee exactly what the position of the depressed classes in the United Provinces is at the present moment ?

A.—The problem of the depressed classes in the United Provinces is very different from the same problem in other parts in this respect, that in the United Provinces the class of what may strictly be called untouchables is strictly limited. They have not a tenth of the grievances which the corresponding classes in the southern districts of the Madras Presidency

and the South West of the Madras Presidency have. Their complaint is not untouchability, but lack of education and certain customary restrictions imposed upon their freedom of movement owing to the caste system.

Q.—Will you tell me what is the attitude of the educated classes towards these? Are they alive to the necessity of solving this problem?

A.—They are keenly alive and are becoming increasingly alive to it every day.

Q.—They are not shutting their eyes to it?

A.—Not at all.

Q.—And will you please tell me whether any steps were taken by the Council as it was before the Reforms or by the Government as it was before the Reforms in the United Provinces for raising the status of the depressed classes?

A.—I was aware of no special steps. I was the non-official member who moved a resolution in the Council for special grants.

Q.—When was that?

A.—It was I believe in 1918 or 1919.

Q.—That is, before the Reforms?

A.—Yes. My resolution was opposed on behalf of Government by Mr. O'Donnell

Q.—Am I right in assuming that whenever any question on primary education was raised in the old Council in the United Provinces, the greatest opposition came from the official side?

A.—Undoubtedly it is so. I would recall to your mind what is called the Piggoit Primary Education Committee and the Government Resolution thereupon issued in 1914 and the setback which primary education received on that account until Sir Harcourt Butler rescinded it and introduced a new policy.

Q.—As a matter of fact it used to be the practice in the old Councils of the Minto-Morley time that non-official members year in and year out raised discussions about primary education and the official reply was “No; it is not right to multiply schools on the ground of efficiency”.

A.—They were against aided primary schools on the ground of efficiency. They adopted a policy of closing down aided and of encouraging District Board primary schools. They also said that the number of District Board primary schools should be just so many as funds permitted and just so many as the number of teachers available permitted. They created what were called school circles and they said that there must not be more than one full primary school within that area. It was only when that primary school had a minimum attendance of so much that the Government allowed another school to be opened. This policy was in force from 1914 to 1918.

(*Mr. Chairman*).—*Q*.—What was the object of that policy?

A.—The object, as explained in the Government Resolution, was that the policy should be to have fewer schools and more scholars, greater efficiency and less expenditure.

Q.—What was the result of that policy?

A.—The result of that policy was a decrease in enrolment as well as the decrease in schools. The negative policy of closing down aided primary schools operated all right but the affirmative side of opening District Board schools remained virtually in abeyance.

Q.—Leave aside primary education. You were in charge of the Industries Department ?

A.—So much of it as was transferred.

Q.—Were you able to establish a Technological Institute at Cawnpore ?

A.—Yes, it was opened in my time but the proposal was an old one.

Q.—When did the proposal really begin ?

A.—In 1907.

Q.—And there was a repeated demand for the establishment of a Technological Institute between 1907 and 1920 ?

A.—And there were repeated refusals.

Q.—I take it that at one time the answer was that no suitable Principal could be had from England for the Technological Institute ?

A.—That was put forward in a Government Resolution in 1914.

Q.—But you were able to discover some sort of a Principal ?

A.—He was discovered by Sir Harcourt Butler under the old Government, but with some modification. They converted the idea of a Technological Institute into that of a Research Institute. They reduced its importance and proportions altogether. Then there was agitation which was followed by the appointment of a Committee. It was in 1921 that the original resolution was restored that it should be a Technological Institute and the same principal who was brought over for the Research Institute still continues in the Technological Institute.

Q.—I suppose you were very much interested in the development of industries in the United Provinces ?

A.—Yes.

Q.—Can you very briefly tell the Committee whether you took any steps for the development of your industries ?

A.—I took all the steps which were open to Government.

Q.—Will you just give us two or three instances ?

A.—We opened a Technological Institute and a few more industrial schools in the districts. We gave aid to District Boards and private bodies which maintained industrial schools and industrial classes. We gave scholarships to pupils. We also framed a comprehensive programme of technical education for the entire province with the very hearty concurrence of Sir Harcourt Butler.

Q.—That will do for my purpose. Were you supported in this programme by the non-official members ?

A.—Yes, through and through.

Q.—With regard to the electorate. What has been your experience in regard to the electorate ? Did you find the electorate sufficiently intelligent to understand ordinary problems of local administration ?

A.—They understood their local problems all right. They further understood which was the member to whom they wanted to give their vote.

Q.—Did you find the non-official members of your Council going about people or educating them by delivering lectures ?

A.—Some of them did and some of them did not.

Q.—Do you think that you are justified at the present stage of the intelligence and education of the electorate in demanding a revision .c

A.—Yes, I think so.

Q.—How ?

A.—It has been my conviction for many years and it is still more strongly my conviction to-day, that the education of the electorate will only make progress when the control of Government policy is transferred from the hands of the permanent British officials to those of the representatives of the legislature. So long as it is made a condition precedent to constitutional advance that there must be a wider diffusion of education among the electorate, then we shall be moving in a vicious circle. In no country, if my understanding is not hopelessly incorrect, is the electorate expected to be able to form a due appreciation of every political issue that comes before Parliament. The function of the electorate is to be able to send an intelligent candidate to Parliament, who should be able to discuss the problems as they arise. It was on this ground when in connection with the Parliament Act of 1911 a referendum was proposed, that Lord Morley opposed it on the ground that the electorate was expected only to distinguish between one candidate and another and not to decide upon complicated issues. To this extent our electorate is quite satisfactory.

Q.—You said just now that a due sense of responsibility among the electorates and among the members would not spring up unless the subjects which are now controlled by the reserved half of the Government are transferred to the control of the transferred half ?

A.—I have not put it exactly in that form. I do not say that they are irresponsible now. They have a sense of responsibility even now.

Q.—Suppose Law and Order was transferred. What do you think would be the attitude of the non-official members of your Council on any critical occasion if it became necessary for the Minister to take any strong action either by legislation or otherwise ?

A.—Their attitude would be more or less the same as at present, namely, when the Government or Minister is able to convince the Legislative Council that an occasion has arisen for employing stringent measures and that it is not proposed to employ measures more stringent than the necessities of the situation demand, then the Legislative Council will give its support to Government.

Q.—Do you think it is correct to say that their attitude is one of hostility towards law and order ?

A.—I do not accept the proposition that their attitude is one of hostility to law and order. It would be far more correct to say that it is a critical attitude towards the measures proposed and employed by the executive Government for what they call the maintenance of law and order. If I may be permitted to add one more sentence to this I would say that the Legislative Council will not be worth its existence if it is not critical.

Q.—If you were told that it was possible to remove defect A, defect B, defect C and defect D in the working of the present system by amendment of the rules or by minor amendments of the Act, would you be satisfied with that ?

A.—I would not be satisfied with that.

Q.—Then what is it that will satisfy you ?

A—Nothing will satisfy me which is short of complete responsibility in the provinces and responsibility in the Central Government in all matters of civil administration.

(*Mr. Chairman*)—Q.—I just want to put one question in view of your statement to Sir Tej Bahadur S. pru. I gathered—I hope I am correct in so gathering—that year 28 months in the Ministry led to great educational, industrial and other progress ?

A—I did not say that.

(*Mr. Chairman*)—Q.—I gathered that from your answer ?

A—I said it was a period of active effort. I did not say that the results were much

(*Mr. Chairman*).—Q.—Still you mentioned a good many things ?

A—I could not help them. But if you catalogue all of them, they will not come to much.

(*Mr. Chairman*).—Q.—Were the results of your Ministry great ?

A—The results were moderate but the struggle was great.

(*Mr. Chairman*).—Q.—Still there were some results ?

A—Of course there were

(*Mr. Chairman*).—Q.—The results were more than they were in the previous administration ?

A—in the Transferred Departments undoubtedly.

Further examination of Mr. Chintamani was postponed till Tuesday, the 19th August, at 10-30 A.M.

Tuesday, 19th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Examination of Mr. C. Y. Chintamani.—contd

(*Mr. Chairman*).—Q.—I understand you want to make some slight alterations in your evidence, in regard to two points A and B. As regards B there is no difficulty. As regards the first one, I should like you to make your meaning plain. We were talking about securing the interest of the rural population by increasing the urban representation. My question was : “ You say that the best way of securing the interests of the rural millions is to increase the urban representation ? ” and then I asked : “ On the ground that the landlords are too selfish representatives ? ” and you said “ yes ”. You wish to explain that ?

A.—I meant only to convey that the landlords’ interests in the matter of the relations of landlord and tenant are not always identical with those of the tenants, and therefore they cannot be the best representatives of the tenants. My simple “ yes ” might convey a heightened impression of what I meant to say.

(*Mr. Chairman*).—Q.—You do not think they are selfish ?

A.—There are selfish men among them, as there are among other classes.

(*Mr. Chairman*).—Q.—What you meant was that they had different interests ?

A.—Class interests.

(*Mr. Chairman*)—Q.—Class interests are so great that they make them deal with the matter unfavourably ?

A.—Yes.

Sir Sivaswamy Aiyer.—Q.—I will take you in the order of your Memorandum. First of all with regard to the rules of executive business, you say you got the more important rules adapted to your requirements, but still the rules are not wholly in conformity with the Act or with the instrument of instructions to the Governor. Can you kindly tell me in what respects ?

A.—The Act lays down that the Governor shall act on the advice of Ministers, except in certain contingencies. The Instrument of Instructions is an explanation or an expansion of the section of the Act containing more detailed guidance for the Governor. In the Rules of Executive Business the Governor's control over Ministers or the necessity of the Governor concurring with the decision of a Minister before that decision can be given effect to is emphasized at every point. For instance, no order of a Member of the Board of Revenue or the Commissioner of a Division or the Head of a Department in any important matter can be overruled by a Member of the Government, except with the previous concurrence of the Governor.

Q.—You have referred to all that in your Memorandum. I wish to know particularly in what respects the rules are not in conformity ?

A.—This is the main point. The illustrations are given in subsequent paragraphs. The main point in respect of which the Rules of Executive Business are in my view not in strict conformity with the Act is that they take away from the right of independent decision which should be left to the Minister and bring in the necessity of the Governor's sanction or concurrence or control at almost every step.

Q.—And the Minister is practically kept in leading strings ?

A.—It entirely depends on the Governor whether he is or not, but the rules permit him to.

Q.—Did you make any complaint to the Governor about the rules of Executive Business ?

A.—I did not for this reason.

Q.—I mean the present Governor ?

A.—The present Governor wanted to go back upon the rules to the disadvantage of the Ministers and it was about as much as the late Ministers could do to get him to let the rules remain as they were.

Q.—Did you make any complaint to the present Governor that the Rules of Business infringed upon the rights of Ministers ?

A.—I cannot tell whether I made a specific complaint, but a general statement to that effect I made more than once.

Q.—You had joint deliberations with the Members of Council ?

A.—Yes.

Q.—Was it confined to matters with which both halves of the Government were concerned ?

A.—No, it was not confined in the first instance.

Q.—But later on ?

A.—Later on that was the tendency, and since the present Governor came that has become almost a settled rule.

(*Maharaja of Burdwan*) —Q.—What is the practice of the present Governor ?

A.—The practice was to limit joint deliberation to subjects of common interest to both halves of the Government.

Q.—On subjects where important questions of policy affecting one-half of the Government and not the other are concerned, have there been joint deliberations ?

A.—Not during the last seven or eight months of my tenure of office.

Q.—Is that in accordance with the spirit of the Act or of the Instrument of Instructions to the Governor ?

A.—I cannot tell whether it is in accordance with the spirit of the Act, nor am I quite certain about the Instrument of Instructions, but it is not in accordance with the instructions of the Joint Select Committee.

Q.—Take sections 45A (d), 49 (2) and 52 (3), they all speak of the Governor and the Ministers in the plural and seem to contemplate the Governor acting with the Ministers collectively ?

A.—That was not the view taken by the Governor himself. He seemed to understand the use of the plural here as being merely the distinction between the Executive Council and the Ministers, not that he was obliged thereby to take the Ministers as a Ministry, as a corporate body.

Q.—Refer to section 46 (1).

A.—All this has been interpreted to mean that in transferred subjects it is not the Executive Council but the Ministers that is referred to, but in specific subjects the Minister in charge of the subject.

Q.—The plural is read distributively ?

A.—Yes.

Q.—There have been very few meetings I suppose of the Ministers jointly with the Governor ?

A.—Very few.

Q.—There is nothing in the Act to prohibit the principle of joint responsibility among the Ministers ?

A.—I daresay.

Q.—While there may perhaps be nothing to require it according to a narrow construction, there is nothing to prohibit it ?

A.—No.

Q.—Is there any difficulty in enforcing the principle of joint responsibility among Ministers ?

A.—It depends on the selection made of the Ministers. If the Ministers are selected from opposite or different political parties there may be difficulty.

Q.—That is not the principle on which Ministers ought to be selected ?

A.—Not the principle.

Q.—You say in paragraph 4 that you had no weekly meetings of the Governor and the two Ministers and you were not consulted about important measures and so on. Did you protest about it ?

A.—I did.

Q.—But without avail ?

A.—With regard to the Military Requirements Committee the explanation given to me was that the Government of India wanted the opinion of the Governor, not of the Government.

Q.—Only of the Governor ?

A.—And that the Finance Member, who gave evidence before that Committee, did so not as a representative of the Government, but as a personal representative of the Governor.

Q.—Not even of the Governor in Council ?

A.—No.

Q.—And about the Oudh Rent Bill ?

A.—About that there were joint deliberations.

Q.—And about the Arms Rules did you protest ?

A.—No, matters had gone so far that a protest was not considered of any use.

Q.—In paragraph 5 you say, however anxious the Governor might be to conduct the Government as one whole, it was not in his power to override the provisions of the Act ?

A.—This was what the Governor said. 'They were reminded on occasions that, however much the Governor might be anxious, it was not in his power', etc.

* Q.—Were you told which were the provisions of the Act which stood in the way ?

A.—No, I was only referred to the Act.

Q.—In paragraph 6 you say the spirit of the Government underwent a disagreeable transformation. Do you know why ?

A.—It can only be a matter of conjecture on the basis of probabilities.

Q.—Was it in reference to any orders received from higher authorities or on his own responsibility ?

A.—I never heard of any such orders.

Q.—Have you ever heard of any legal opinion prohibiting such joint deliberation or anything of the kind ?

A.—I do not think any legal opinion was taken on the matter.

Q.—In paragraph 8 you refer to cases of friction. Have you ever been overruled in your own Departments ?

A.—Yes, I have been.

Q.—Have you given any instances ?

A.—I do not remember whether I have given any instances in the following paragraphs. But I put it in two forms. Where I was overruled in any matter to which I attached importance as involving any question of policy, I made further representations or remonstrances to the Governor, and I also made it clear that if he insisted on his overruling, he must accept my resignation. Then he waived his opinion in favour of mine in order to avert resignation.

Q.—I mean whether you were overruled finally ?

A.—I was overruled finally in small matters to which I did not attach much importance.

(*Mr. Chairman*).—Q.—Matters of detail?

A.—They might be said to be matters of detail, ordinary matters of administration.

Q.—You say you were overruled in small matters. Perhaps, according to the spirit of the Act, they are just the matters in which you ought not to have been overruled?

A.—I think they are matters which need not have gone to the Governor at all. In fact that was the opinion of one of the secretaries. His opinion did not prevail with the Governor.

(*Maharaja of Burdwan*).—Q.—In this particular matter in which you say you were first overruled, in the end you got your Governor to agree with you?

A.—He accepted my view, did not agree with me.

(*Maharaja of Burdwan*).—Q.—Well, that was tantamount to agreeing with you in this much that he had to accept your decision on the subject.

A.—Well, he accepted it unwillingly in certain cases.

Q.—He let you have your way?

A.—He let me have my way.

Q.—You complain frequently of not being taken into confidence on the reserved half. I suppose you were not very keen on poking your nose into your colleagues' departments unnecessarily?

A.—Never.

Q.—I suppose what you refer to is general questions of policy with regard to which the Joint Select Committee contemplated a joint deliberation, so that the Government might be in possession of the wishes and opinions of the popular half?

A.—Yes that is one part of it. The greater complaint was that we were in certain matters being taken into consultation at the earlier stages and afterwards left out of it, and that involved us in trouble.

Q.—Inconsistency and want of uniformity in practice?

A.—Yes.

Q.—You recognise that if each Member or Minister insisted upon knowing everything that takes place in his colleagues' departments there could be no convenient despatch of business?

A.—Quite so.

Q.—And did you consciously depart from that principle?

A.—Never to the best of my knowledge.

Q.—You complain about the ways of the Finance Department. Can you give any instances in which the Finance Department acted unfairly in your opinion or unjustly towards your departments?

A.—Without trying to recollect numerous cases I cannot give an illustration now; but there are two points. In the first place, the avoidance of any new expenditure, as well as the reduction of present expenditure, was sought to be enforced too rigidly, at the same time that we were given no information as to whether the same thing was being done in the Reserved Departments. In the second place, we were not permitted even to go before the Finance Committee with some of our proposals.

Q.—All that you have stated in your memorandum. What I want to know is, can you give any instances in which they acted unfairly towards your departments?

Q.—In regard to your departments?

A.—Yes. For example, after making a cut of several lakhs of rupees even in the existing Budget for 1922, I was still forced to surrender two more lakhs from Education. It was only averted by my insisting on resignation.

Q.—But you did avert it?

A.—A simple Yes or No does not convey my meaning. My point is that where a member of the Government can only avert such things by constant offers to resign it is not a wholesome system of government.

(*Maharaja of Burdwan*).—*Q.*—Mr Chintamani, you said that not only did the Finance Department keep down expenses in your department but you were not aware as to whether they were cutting down the expenses of the Reserved Departments at the same time. I want to know whether in Mr Chintamani's province the practice was not followed that even when the Finance Department wanted to cut down expenditure the Finance Member did not have a joint meeting of the two halves of Government. Didn't you all join together and the Finance Member say—it may be after six months or eight months—"We have got to cut down our figure by 2 lakhs; how much can you cut down, and how much you?" That is the system followed in Bengal, and that is why I am asking you.

A.—It was followed at the time of the preparation of the Budget.

(*Maharaja of Burdwan*).—*Q.*—Not only then but some time in the middle of the year.

A.—No it was not followed.

Q.—But even in the case of the Reserved Departments themselves, the Finance Member generally tries to cut down expenditure, you know that?

A.—I suppose he does.

Q.—I daresay you know Mr Gladstone once said that estimates are always settled at the dagger's point?

A.—Yes.

Q.—So it may happen that even with regard to the reserved half of Government, a threat of resignation is perhaps a necessary weapon of defence against the Finance Department's interference?

A.—It may be so. That applies to the earlier months of the year when the Budget is prepared for the coming year, but the other complaint is that in the middle of the year when new expenditure is incurred we had absolutely no means of knowing until the supplementary estimates were laid on the table of the Council whether on the reserved side new expenditure was being sanctioned or not.

Q.—Now you think inasmuch as the Finance Member is a member of the reserved half of Government there is a natural bias in favour of the reserved half of the administrative departments over which he exercises control?

A.—I think it would be so.

Q.—You are not attributing any conscious bias, but a natural human bias?

A.—In one case at least there was also a conscious bias. That was the substantial reduction

Q.—And you think that was due to conscious bias ?

A.—He argued that it was a deliberate waste of money.

(*Maharaja of Burdwan*) —*Q*—Was that the case in which he openly challenged the Minister's policy in your department ?

A.—Yes.

Q.—But as a matter of fact the Finance Department has an incurable propensity to poach upon the administrative sphere ?

A.—I fear it is so.

Q.—And do you think it would be completely cured by your remedy of a constitutional Governor ?

A.—No, the incurable bias of the Finance Department as you have put it, that will not be cured by it but the Ministers will have greater remedies in that case.

— *Q.*—I suppose you want the Finance Member to hold no other portfolio ?

A.—If it is to be a dyarchical constitution, then he should hold no other portfolio.

Q.—Take the Government of India.

A.—I would have no objection to his holding revenue portfolios, but not expenditure portfolios.

Q.—But even in the revenue portfolios there are heads of administrative expenditure. Suppose you had a Finance Minister without charge of any other portfolio, would that be a remedy ?

A.—That would be a complete remedy. At the same time, if that Finance Minister has not a whole day's work to keep him employed, it would be a costly remedy.

— *Q.*—But would it not be worth purchasing ?

A.—It depends.

Q.—Will you just refer to the paragraph of your memorandum in which you refer to Lucknow—at page 23. Now what I want to know is this—is Lucknow the real capital ?

A.—It is now the *de facto* capital.

Q.—And Allahabad the *de jure* or nominal capital ?

A.—I call it the divorced or widowed capital.

Q.—For how many months in the year does the Government spend its time at Lucknow ?

A.—Practically throughout the cold weather ; only last year the Government spent one month at Allahabad.

Q.—And what is the time usually spent at Allahabad ?

A.—Last year it was about one month ; during the previous 5 years it might be anything between a week and a month. Not the Government but the Governor. In those years the Secretaries to Government, etc., spent not one day in the year at Allahabad, I believe.

Q.—And do you mean to say the Finance Department sanctioned the payment of daily allowances to three Secretaries and sundry other officials for being in camp at headquarters at Lucknow ?

A.—I presume it had been sanctioned ; it might have questioned it and then been overruled by the Governor. At any rate, the fact of payment is there.

(*Mr Chairman*).—Q.—One question about this matter of the capital. I suppose the expenditure on the Council Chamber came before the legislature ?

A.—Yes.

(*Mr Chairman*).—Q.—It was voted ?

A.—Yes.

Q.—Did you ever bring this matter to the notice of the Governor—the payment of daily allowances to Secretaries for being at their headquarters ?

A.—All matters connected with and incidental to this subject I brought to the notice of the Governor more often than I can remember.

Q.—But the Finance Department I suppose blinked at it.

A.—I did not bring it to the notice of the Finance Department but of the Governor.

Q.—Now has there been any complaint that Reserved Departments have suffered in the distribution of funds ?

A.—There has been a complaint by the Reserved Departments or rather by the Members in charge of Reserved Departments.

Q.—In your opinion was there any foundation for that complaint ?

A.—In certain matters there might be.

Q.—But not speaking in general terms and on the whole ?

A.—No.

Q.—Take the case of particular departments, such as the Police—has that suffered ?

A.—They say it has, as the full amount of new expenditure was not sanctioned by the Legislative Council.

Q.—And do you know whether it was justly refused by the legislature ?

A.—In my opinion the Legislative Council's refusal of a part of the extra expenditure was thoroughly justified.

Q.—What was it about ?

A.—The appointment of an Additional Deputy Inspector General of Police, the purchase of motor lorries and other conveyances or conveniences, in order to increase what they called the mobility of the police, and some other items.

(*Mr Chairman*).—Q.—Had you seen the papers of the Reserved Departments on that point ?

A.—I believe not. I think I only heard the discussion in the Legislative Council. I did not see the papers.

Q.—Are you in a position to say that those proposals for the mobility of the Police were not justified and that the refusal of the Council was quite fair and arrived at with a full appreciation of its responsibility ?

A.—The proposal was first put before the Council as a matter of temporary emergency and the Council was told that it would not be an item of recurring expenditure, and the Council sanctioned it. Afterwards they wanted to make it permanent and they wanted also an increased amount as a permanent feature, which the Council was not prepared to sanction.

Q.—Which item ?

A.—I am now speaking of the motor lorries and other things. As regards the Additional Deputy Inspector Generalship, they went up first to the Council to sanction it for six months or something like that. There was some discussion, but the Council yielded on the distinct promise that the post would not be renewed after the expiry of that period.

(*Mr. Chairman*).—*Q.*—Why did they want these lorries ?

A.—To be able to send the police more quickly to places where breaches of peace were apprehended.

(*Mr. Chairman*).—*Q.*—Were there any breaches of the peace at the time they asked for these things as a temporary measure ?

A.—There had been one or two riots.

(*Mr. Chairman*).—*Q.*—Serious riots ?

(*Sir Henry Moncrieff-Smith*).—*Q.*—Agrarian riots.

A.—Yes, agrarian riots. When the period for which sanction was asked for had expired or was about to expire, and the Council enquired about the matter, it was met with the reply that the Secretary of State had sanctioned the creation of the post as a permanent measure. Then the Council inquired whether it was at the request of the Local Government Council that was made to it that the post would not be renewed after the promise that was made to it that the post would not be renewed. A sort of reply was given but actually, after the promise to the Council that the post would not be renewed, the Government went up for the Secretary of State's sanction and obtained it and it became a non-votable item.

(*Mr. Jinnah*)—*Q.*—Was it justifiable after the period had expired ?

A.—I do not think so.

(*Mr. Chairman*).—*Q.*—You have not seen the papers ?

A.—I do not think it was a justified expenditure.

Q.—Has the judiciary suffered in the distribution of funds ?

A.—I do not know whether it has suffered in the distribution of funds.

Q.—In the allocation of funds ?

A.—It is a fact that the number of additional Sub-Judges and Munsifs asked for by the High Court was not given or was given only in part on the plea of want of funds ?

Q.—The cause is want of funds ?

A.—That was the cause that was given.

Q.—Was there any disposition to grudge expenditure on Reserved Departments ? Is that the reason ?

A.—Grudge expenditure on Reserved Departments ! I wish it was so.

(*Mr. Chairman*).—*Q.*—You think it was not.

A.—No.

(*Mr. Chairman*).—*Q.*—I should like to put one question to you. Would you not consider it rather a serious thing if the High Court asks for Judges and Munsifs and the Executive Department does not find them ?

A.—It is a serious matter. If I had been on that side, I would not have refused it.

(*Mr. Chairman*).—Q.—Well, it was refused ?

A.—Yes.

Q.—Do you think the refusal right ?

A.—I do not consider it right and I consider that funds could have been found by economising elsewhere.

(*Mr. Chairman*).—Q.—In fact, if you had been in charge of that Department, you would have acted differently ?

A.—Yes, if I had been in charge of that Department, I would have found savings elsewhere but would have complied with the demand.

(*Mr. Chairman*).—Q.—If you had been in charge of that Department, you would also have seen the papers ?

A.—Yes.

(*Mr. Chairman*).—Q.—And perhaps, you might have drawn a different conclusion after seeing the papers ?

A.—It is quite possible, but the Member in charge did not plead that the demand of the High Court was unnecessary. He only pleaded want of funds.

(*Mr. Chairman*).—Q.—That was a financial matter ?

A.—It was the Member in charge who pleaded it. He did not say that the High Court made a superfluous or unnecessary demand.

(*Mr. Chairman*).—Q.—You saw the papers in that case ?

A.—This was said in the Council.

Q.—You had not seen the papers ?

A.—No.

(*Mr. Jinnah*).—Q.—Can you have access to those papers ?

A.—I could have asked for them.

(*Mr. Chairman*).—Q.—Did you ask for them ?

A.—I did not consider the necessity of asking for them as there was no difference of opinion so far as the necessity of the measure went.

Q.—Is it true that money was freely spent on the comparatively less urgent needs of the Transferred Departments ?

A.—I do not think so, except so far as the obligation to keep up a certain number of Imperial Officers went.

(*Mr. Chairman*).—Q.—Would you dismiss those Imperial Service Officers ?

A.—I would not dismiss them. I would have economised by making reduction in the cadre. The post would not be filled after the substantive holder vacated it.

(*Mr. Chairman*).—Q.—There would have been no immediate economy ?

A.—Substantive vacancies did occur. If we had the power, we would not have filled them or we would have filled them with Provincial Service officers. What I mean is this. Where an office was considered to be superfluous and where there was a substantive vacancy by the retirement of the officer holding that post, the Local Government, if they had the power, would have abolished that post. If, on the other hand, the Local Government felt that the post was necessary, but the duties of it could be discharged by a lower-paid Provincial Service officer, they would have made that arrangement.

Q.—In connection with the Motor Vehicles Tax, you say there was objection on the ground that the proceeds of a tax could not be ear-marked for a particular purpose.

A.—Yes, they said it was objectionable in principle according to sound financial canons to insert a section in the Act itself that the proceeds should be reserved for a particular purpose.

Q.—Do you know as a student of politics whether it is unknown in English practice?

A.—It is not unknown.

Q.—And as a matter of fact, are you aware that in Madras there is a road cess levied under the District Boards Act the proceeds of which are reserved for a particular purpose?

A.—Yes. Also in Bengal there is the Chowkidari cess.

Q.—What is the composition of the Finance Committee? How many non-elected members were there?

A.—Four, 8 elected and 4 non-elected.

Q.—How many officials were there?

A.—Two, the Finance Member and the Finance Secretary.

(*Mr. Jinnah*).—*Q.*—Over and above the 12?

A.—These are included in the 12. The other two were Non-Official Members of the Council nominated by the Governor.

Q.—There were no special members representing the reserved side except the Finance Member and the Finance Secretary?

A.—No.

Q.—But the Finance Member was himself in charge of administrative Departments?

A.—Yes.

Q.—You say in paragraph 20 that the Finance Member sprang a surprise upon the Minister by actually speaking in open Council against the position taken up. What is the Bill or measure you refer to here?

A.—The District Boards Bill.

Q.—You have referred to it with regard to some amendment?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Did any Minister ever speak against a government measure?

A.—No, except on that day when I replied to the Finance Member after he had spoken. That was not spoken against the Government but against the Finance Member.

Q.—Rule 10 of the Devolution Rules which speaks of the Minister in the singular with regard to the services—do you think that it is in conformity with the spirit of the Joint Select Committee's report?

A.—I never thought so.

Q.—On page 16, paragraph 31, you refer to some other rule. You say: 'In the second place, I have to bring to the notice of this Committee that there is another rule which lays down that any change in the

only be made by the Governor in Council and not by the Governor and Ministers even when those services relate to transferred subjects." Where is that rule ?

A.—Up to the date of my resignation it was not published for general information. It was received by the Local Government.

Q.—But not published ?

A.—No.

Q.—You are aware of it ?

A.—It was shown to me at a meeting of the Government.

Q.—Did you ever ask that that rule should be published or did you suggest it ?

A.—It was not in the power of the Local Government to publish it.

Q.—It was received as a secret document ?

A.—The Local Government had to treat it so. Publication had to be made by higher authority.

(*Mr. Chairman*).—Q.—With reference to this rule, I am informed that this rule does not exist. You are sure that it was not a draft rule ?

A.—It was a draft rule that was shown to me, but along with it there was a letter from the Government of India which was also shown to me. That letter said that the Government of India had submitted that rule along with a number of other rules for the sanction of the Secretary of State and that pending receipt of the sanction the Local Government should act as if the rule had already been sanctioned.

(*Mr. Chairman*).—Q.—There seems to be some difference of opinion. At any rate there is no such rule. It was never made.

A.—I am stating the facts as they occurred in my Government. And about 18 months later, when actually a case came up, I was told that the rule was in operation and therefore it was only the Governor in Council who could act, not the Governor and the Ministers. It was a matter relating to the Women's Provincial Educational Service.

Q.—You say that the rule was in force ?

A.—Yes.

Q.—Was it in force under what I may call the temporary orders of the Government of India or did it come into force invested with all the authority of the sanction of the Secretary of State ?

A.—That I do not know and I did not enquire about it. I was informed that it was still in force.

(The President told Sir Sivaswamy Aiyar to leave the point and that he would make inquiries about it.)

Q.—On page 18, paragraph 37, in speaking about posts reserved for the I. C. S. officers, officers serving in Reserved Departments and so on, you speak of the Excise Commissionership. Were the officers men without previous excise experience ?

A.—Persons appointed as Excise Commissioners ? It must have been so except to the extent that as District Officers they acquired some experience.

Q.—Were officers appointed as Excise Commissioners who had never had anything to do with the Excise Department before ?

A.—Except in the capacity of District officers.

Q.—That is what I mean. It that so ?

A.—Yes.

Q.—We are better off in Madras. We always appoint as Excise Commissioners men who have served in the Excise Department. Is the post of Inspector General of Registration one reserved for the I. C. S. officers ?

A.—In the United Provinces that post is held in combination with the post either of Excise Commissioner or of Deputy Director of Land Records. There is no separate officer as Inspector General of Registration.

Q.—Are the posts held by members of the I. C. S. ?

A.—The Excise Commissionership is still held.

Q.—The Inspector-Generalship of Registration ?

A.—Whoever holds the Excise Commissionership or the Deputy Directorship of Land Records is also ex-officio Inspector-General of Registration.

Q.—The practice is different in Madras. A member of the provincial service holds it.

A.—At the present time it so happens that the Deputy Director of Land Records is a listed post holder and *ipso facto* the Inspector-General of Registration is a listed post holder, because he is the same individual.

Q.—What in your view should be the position of Collectors and Commissioners with regard to the Ministers ? Supposing they have any complaints with regard to any of the Transferred Departments Do you suggest that they should have a right of representation to the Government through the Minister or no right of representation at all ?

A.—They should have. They should be at perfect liberty to bring it to the notice of the Minister in charge and failing a remedy, they can go up to the Governor.

Q.—You are against the Public Services Commission now ?

A.—Now.

Q.—May I take it that your chief reason is that the Public Services Commission will perpetuate the all-India services ?

A.—It will perpetuate the control of the Secretary of State in an indirect way.

Q.—The Public Services Commission will perpetuate the control of the Secretary of State and will perpetuate the all-India services ?

A.—That will follow most probably because the Secretary of State will continue to be the principal authority.

Q.—Supposing the control of the Secretary of State were transferred to the Government of India. Would you have any objection ?

A.—My objection would be much less,

Q.—Do you think that Selection Committees would be quite free from political influence ?

A.—They should be about as free as a Public Services Commission will be.

Q.—Who appoints the Selection Committees ?

A.—The Local Government.

Q.—And are not the Local Governments and the Ministers amenable largely to political influence ?

A.—I am very wrong if the Government of India or anybody set up by the is altogether free from political influence.

Q.—Would they not be more detached ?

A.—They will be more detached from the particular province, but it will not be a rarified atmosphere in which they will be living.

Q.—Has municipal administration suffered in your province ?

A.—I do not think so.

Q.—Do you read the 'Leader' ?

A.—Yes.

Q.—It contained a scathing condemnation of the deterioration of municipal administration ?

A.—I was not the editor of the paper then.

Q.—You do not approve of that condemnation ?

A.—No. I told my friend, the then editor.

(Mr. Jinnah) —Q.—That he was misinformed, or that he should not have inserted the article ?

A.—It was written by him, and it was an undue generalisation from the case of one District Board. That was only one case and I pointed that out to him.

(Mr. Jinnah) —Q.—It was wrong ?

A.—That is my opinion.

Q.—We have heard that there is no proper party organisation. There is no party organisation ?

A.—There is a semblance of it. There is not a well developed party organisation.

Q.—Except the landlords of your province, the others are not properly organised ?

A.—Not highly organised. Even the landlords are not highly organised.

Q.—Do you think that the grant of further responsible government would tend towards the formation of organised parties ?

A.—I think it will be a necessary consequence of that.

Q.—And the lack of stable party organisations—is that not a common feature in many of the new democracies ?

A.—I think all over Europe it is so.

Q.—Except England ?

A.—Even in England it is tending in that direction. Groups are taking the place of parties.

Q.—Groups and group combinations are very prominent in France, Australia and other places ?

A.—In every country. England was about the only exception and it has almost ceased to be the exception.

Q.—I should like you to tell us what in your opinion are the incurable and unavoidable defects inherent in dyarchy. You know there are certain defects which may be cured by a liberal interpretation of the Act, the Instrument of Instructions, and so on. What are the incurable and unavoidable defects ?

A.—There could be no commonness of purpose or of interest. It will not be a cohesive Government consisting of individuals with the same political opinions, with the same policies. It will not be a Government

every member of which is equally interested in the success of the whole Government, but there would be sectional interests as it were, the Ministers not caring what will happen to the reserved Government and the reserved Government not caring what may happen to the transferred Government.

Q.—Do you find that dyarchy promotes a spirit of responsibility in the legislature in regard to the reserved subjects, any sense of responsibility?

A.—Certainly it is responsible criticism.

Q.—My question was this. Do the members of the legislature feel any interest at all or any sense of responsibility in the reserved half of the Government as they do in the transferred half?

A.—I do say they feel an interest, more interest than the reserved members of the Government like the Council to feel, and also they feel a responsibility as representatives of the tax-payer to see that there is efficient administration as well as economy of expenditure.

Q.—What I mean is, are they as ready to vote expenditure or taxation with regard to the reserved half, as they would be in regard to the transferred half?

A.—I have throughout felt that their readiness is the same in respect of both, but they are not equally readily satisfied that the proposals are equally reasonable or necessary in both cases.

Q.—That even though dyarchy continues, the legislature will act quite responsibly with regard to both the halves of the Government?

A.—But not with the same spirit of confidence in respect of both. The legislature feels with regard to the transferred half that it can bring the Government to book. It has not that feeling in respect of the other half.

Q.—I am putting the question to you for the purpose of discovering whether the defects you have been describing in this memorandum are defects which can be avoided by better interpretation of the rules, or a change of rules, or whether they are unavoidable and incurable and of an inherent character and require some drastic remedies?

A.—They are curable in minor part, but the principal vices of the system will remain uncured, so long as the system itself is not ended.

Q.—That vice being?

A.—There can be no common purpose in the Government.

Q.—You are aware that the various provinces in India have not all advanced exactly on parallel lines or to the same extent?

A.—Not to the same extent.

Q.—There is a difference of pace?

A.—Yes, but it is a narrowing difference, that is to say, the backward provinces have been pulling themselves up more rapidly than was the case until some years ago.

Q.—Would you be in favour of a system of uneven advance in the provinces, one province being allowed to go ahead, comparatively backward provinces being allowed to remain behind?

A.—I confine myself to the present Governors' provinces. I leave out Baluchistan and so on. In respect of the Governors' provinces I would not make a difference in the constitution in the main lines of the constitution.

(*Mr. Chairman*).—Q.—You are thoroughly acquainted with conditions in all those provinces ?

A.—I do not pretend to be thoroughly acquainted.

(*Mr. Chairman*).—Q.—Have you ever been to Assam ?

A.—No. (To *Sir Sivaswamy Aiyer*.—Is it not a Lieutenant-Governor's province ?)

(*Mr. Chairman*).—Q.—It is under a Governor.

Q.—You would make no difference in the Governor's provinces ?

A.—No important difference.

Q.—Would you make a difference between the major provinces and the minor provinces, that is, those that are presidencies like provinces of Madras, Bombay and Bengal, and the other provinces ? You do not count your province as a major province ?

A.—That in itself is a fatal objection to your suggestion.

Q.—But what I want to know is, would you make a difference between the major provinces and the minor provinces ?

A.—What kind of difference ?

Q.—Supposing for instance you transferred full provincial autonomy to some and transferred only certain subjects in others giving thereby an incentive to the comparatively backward provinces to come up ?

A.—No. I won't make that difference.

Q.—What do you think should be the term of the Legislative Council ?

A.—Four or five years. Not three

Q.—The term of the Council and the term of the Ministers should be the same ?

A.—The Ministers will have no term. They can be in for 24 hours or 24 years.

Q.—Normally if they enjoy the confidence of the Council their term will be co-extensive with the term of the Council ?

A.—Yes.

(*Mr. Chairman*).—Q.—I wish just to put a question to clear up a point in paragraph 37, about this Executive Commissioner. I have got the papers and I find that he was appointed.

A.—He was appointed for 2 years.

(*Mr. Chairman*).—Q.—That was a recommendation of the Local Government ?

A.—Yes. My paragraph explains the whole position, what exactly my complaint was.

(*Mr. Chairman*).—Q.—You say, "we have the *status quo ante*."

A.—The post is still reserved for the I. C. S. I explain there that I failed with the Governor.

Sir Arthur Froom.—Q.—There is one point that occurred in your examination yesterday that I should like you to clear up. That was a point about which Sir Tej Bahadur Sapru asked you on education. I understand from what you said that before the reforms were instituted the Government of your province was but a drag on education ?

A.—I said from 1914 to 1918.

Q—From 1914 to 1918 there was a drag on education in your province, and in fact, the impression left on my mind is that the Government of the United Provinces were entirely callous to the progress of education ?

A.—I would not use the word callous. The effect of their policy was to retard progress. I am not speaking of their motive or intention.

Q—Can you tell me what shaped their policy ?

A.—As I explained yesterday they decided that there should be a decrease in the number of schools.

Q.—That is not shaping a policy. What made them decide to decrease the number of schools ? You say they decided to decrease the number of schools ?

A.—I did not say that. I said they decided to discourage private aided schools and to substitute district board schools, and also to restrict the number of district board schools.

Q.—That is their decision. That is not shaping their policy. What caused them to come to that decision ? What was behind their policy ? Was it a question of money ? I think you said money ?

A.—Their impression was that the system as it then was, was inefficient and unsound, and they believed that the real progress of primary education lay in an improvement of the quality more than in the wider diffusion of such education as then existed. That was their explanation of that policy.

Q.—You gave a list of causes and you ended up by saying that one of the reasons was finance ?

A.—More efficiency and less expenditure I said.

Q.—Would you not agree that it is better to have one school which is efficiently run than three which are inefficiently run, if there is not enough money for the three ?

A.—I do not agree without serious qualifications in respect particularly of elementary education, and we differ very much as to the interpretation of the word efficient.

Q.—I have read your very interesting memorandum, but I do not propose to take you through it paragraph by paragraph. I would rather like to ask you one or two questions upon your conclusions. Do you consider that your province has made any advance at all under the present constitution ?

A.—Advance in what respect ?

Q.—Advance towards better government, or advance towards government by the people ?

A.—They have made the minimum advance compatible with the situation.

Q.—On page 37 you condemn the Government of India Act *in toto*. You do not approve of it ? You do not agree with it ?

A.—I do not approve of it.

Q.—You arrive at this conclusion from the point of view of a Minister of the United Provinces ?

A.—And also of a public man.

Q.—In the United Provinces and.....,

Q.—You have been in the United Provinces for 21 years ?

A.—22 years.

Q.—And you cannot claim the point of view of an administrator of the Empire of India as a whole ?

A.—Of course not.

Q.—You would agree that there might be that point of view ?

A.—Yes.

Q.—But at any rate from your provincial point of view you condemn the Act ?

A.—From the provincial point of view I condemn that part of the Act which relates to provincial governments. As an Indian public man with a sort of general acquaintance with things in general, I condemn the Act from the point of view of Indians in general.

Q.—And you suggest that this Committee should recommend that the Act should be amended extensively or that a new Act should be introduced ?

A.—That is certainly what would please me.

Q.—That is your suggestion to us ?

A.—Yes.

Q.—Of course, Mr. Chintamani, you are acquainted with the history of the Government of India Act and how the late Secretary of State, Mr. Montagu, first of all came out to India and had a conference with the then Viceroy, Lord Chelmsford. That was the first step and then a Committee of eminent men with vast experience of India considered what should be done to further India or to advance India further towards the goal of complete self-government. That was the next step, I understand ; and then the result of the work of this Committee was the drafting of a Bill which was introduced in the House of Commons and at the second reading of the Bill it was referred to a Joint Committee of the House of Commons and the House of Lords. That is, step by step, the history of the Act. Finally the Bill evolved from Parliament and it became the Government of India Act in 1919 in its present form. That is more or less a short history of the Act, is it not ?

A.—Yes.

Q.—And you are aware that the Act contains an important section, section 84A, providing for a Commission at the end of 10 years to inquire and report as to whether and to what extent it is desirable to accept the principle of responsible self-government. You are aware of that section ?

A.—Yes.

Q.—That is one of the most important sections in the Act, is it not ?

A.—Yes.

Q.—And do you seriously suggest that this Committee should recommend to Government that the result of the labours of the special Committee under Mr. Montagu—the labours of the Committee were closely examined and revised by a Joint Committee of the House of Commons and the House of Lords,—do you suggest that this Committee should recommend that these labours should not be given a fair trial for 10 years ?

A.—I make that suggestion as the trial that has been given to it during the last 3½ years has proved that it does not deserve any further trial.

Q—You think it does not deserve a trial ?

A.—Yes.

Q.—Then you do not suggest that it should be given a trial for 10 years ?

A—I do not.

Q.—And you think that there has been some advance in legislative matters under this constitution ?

A.—Some advance.

Q.—There has been some advance, but not as much as you would have desired ?

A.—There is much virtue in that “some.”

Q.—You yourself attended the Joint Committee which examined the Bill, did you not ?

A.—Yes.

Q.—Did you make any suggestions there ?

A.—Yes.

Q.—Were any of your suggestions adopted ?

A.—Only one suggestion was adopted—increase of the salary of the Governor of the United Provinces, in the hope that a public man from England might be appointed to that position. The increase of the salary has become a fact, the object of the increase remains still a vision of the future.

(*Mr Chairman*).—*Q.*—Did you give your reasons for the recommendation at the time ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Your recommendation was only accepted in part ?

A—Yes, it was accepted only in part, although I understood that that was the object of the acceptance of that part.

Q.—Did you make any other suggestions ?

A.—I suggested the introduction of responsibility in the Central Government. I suggested amendment so that the Act might not be based upon the assumption that every Governor would be infallible and every Minister and every Legislative Council would be constantly erring.

Q.—No suggestions were accepted ?

A.—No.

(*Mr. Chairman*).—*Q.*—Perhaps then you started working the Act with a feeling of disappointment, a prejudice against it ?

A.—But I worked the Act without any sense of disappointment.

Q.—I was going to ask you when you were selected as a Minister you joined the Government of the United Provinces with every hope of making the new constitution a success ?

A.—Yes, hope tempered by fear.

Q.—You had that hope, it might have been tempered by anything. You had that hope ?

A—Yes.

Q.—As a man, otherwise probably you would not have accepted office ?

Q.—And during the first year of your office considerable progress, I think you told us, was made ?

A.—At all events, we were moving in the right direction.

Q.—But unfortunately after the first year that movement in the right direction was not maintained ?

A.—No.

Q.—You do not like dyarchy after what experience you had of it ?

A.—I do not.

Q.—And the members of your Council, do they equally dislike dyarchy ?

A.—Do you mean the Legislative Council ?

Q.—Yes, the elected members of your Legislative Council.

A.—Yes, almost to a man.

Q.—And the electorate of the United Provinces dislike dyarchy too ?

A.—The electorate of the United Provinces would not be knowing what exactly dyarchy is.

Q.—And you think that all the members of your Council thoroughly appreciate dyarchy, what it is ?

A.—Many of them thoroughly appreciate, the rest of them generally understand.

Q.—I will use the word "understand" as you are making a play upon the words. Do all the members of your Council understand the meaning of dyarchy ?

A.—Nearly all.

Q.—We have had witnesses before us to say that they have not understood the meaning of dyarchy in its true sense ?

A.—It is a very difficult thing, with many esoteric meanings to it.

Q.—They have not appreciated the full powers conferred to Ministers under the Act ?

A.—I am not aware of the full powers conferred on the Ministers under the Act. I must be included among the ignorant.

Q.—Some powers have been conferred on them ?

A.—Some certain powers.

Q.—I think you had a good acquaintance with the Act with the exception of that one misunderstanding which Sir Henry Moncrieff Smith pointed out ?

A.—Governor's disallowance of questions. The result of my understanding is that the power is with the Governor, not really with the Minister.

Q.—I thought that you had a full understanding of the Act with the exception of this rule about disallowing questions.

A.—I was going to say that the result of such understanding as I have is that the power is with the Governor and not with the Ministers.

Q.—Are some powers given to Ministers under the Act ?

(Sir Sivaswamy Aiyer).—Q.—Does the Act say so ?

A.—It says that the Governor shall act on the advice of Ministers except, etc.—unless or except—Much in the rules depends upon this exception.

(Sir Sivaswamy Aiyer).—Q.—Is it not quite consistent with the position of a constitutional Governor ?

A.—I think the proviso to that clause is not consistent with that position. It says the Governor shall act on the advice of his Ministers unless on occasions he feels so and so.

(Sir Sivaswamy Aiyer).—Q.—Which proviso ?

A.—52 (3) “ In relation to transferred subjects, the governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice.” I mean all the words beginning with ‘unless.’

(Sir Sivaswamy Aiyer).—Q.—Even in a constitutional government, the Governor has a right to discard the advice of his Ministers under certain circumstances which are embodied in the Instrument of Instructions, Article 6, Clause 3. Is it not ?

A.—You want me to take this clause without reference to the Instrument of Instructions and Rules.

(Sir Sivaswamy Aiyer).—Q.—Reading this rule in the light of the Instrument of Instructions, is there anything inconsistent with the position of a constitutional Governor, if you are disposed to liberally interpret it ?

A.—In the first place there is the qualification ‘if you are disposed to liberally interpret it.’ I think that requires that the Instrument of Instructions and the Rules have to be read with the section of the Act.

Q.—Am I to understand that you consider that Ministers should have powers without any restrictions from the Governor ?

A.—Subject to the power which always rests in the Governor, that of dismissal.

Q.—Would you leave the power of veto to the Governor ?

A.—In legislative matters the power of veto will be with the Governor. The power of appointment and dismissal will be with the Governor, and also the power of dissolving the Council.

Q.—Am I correct in coming to the conclusion—if this Committee should come to the conclusion—that the reformed constitution has not been given a fair trial in the United Provinces ?

A.—It all depends on the meaning of the word “fair.” I will explain myself. If a full exercise of all the powers given to him by the Act, the Instrument of Instructions and Rules and everything constitutes an unfair trial, then the trial has not been fair. But I think the Governor will say that he has not stepped beyond the limits of the law and the rules and he will be right in maintaining that.

Q.—That he has stuck to the letter of the law ?

A.—A Governor who literally interprets the rules and exercises his powers can certainly say he has given a fair trial in the letter if not in the spirit.

Q.—I will put my question in another way. Should the Committee conclude that the new constitution has not received in the United Provinces the trial that you hoped that it would have received, would it be right ?

A.—That I hoped it would have received ? Yes, that would be correct.

Q.—And had it been given the trial that you hoped it would receive, you think it might have gone on for 10 years ?

A.—I do not say that. The results would have been less disappointing than is the case now. Whether it could have gone on for 10 years is a much larger question.

Q.—You consider that 10 years is a very considerable period in the life of a man ?

A.—In the life of a man it is ; in the life of a nation it is not.

Q.—You anticipate what I am going to ask you.

A.—I am very sorry.

Q.—You consider that 10 years is a very considerable time in the life of a man. You agree it is not very long in the life of a constitution of a big Empire ?

A.—It depends on the nature of the constitution.

Q.—At any rate I do not think anybody will consider 10 years is a long time ?

A.—Suppose the constitution is bad ; then 10 years is far too long for it.

(*Mr. Chairman*).—Q.—Should the constitution be then changed in one day ?

A.—It depends upon its nature.

Q.—I do not want to ask you as to who is qualified to express the opinion that the constitution is bad.

A.—It all depends on that.

Q.—One more question. When you sent to this Committee this very interesting and lengthy memorandum of yours did you send a copy to His Excellency the Governor of the United Provinces ?

A.—No.

Q.—Did you send a copy to His Excellency the Governor of Burma ?

A.—No.

(*Mr. Chairman*).—Q.—This question of language that you raised has come up several times. The language of section 52 has been referred to many times. May I read you this section and ask you to tell me whether you consider it is different, and if so, in what way it is different, from section 52. The section which I want to read runs as follows :—

“ There shall be an Executive Council to advise the Governor General in the government of the Union, and the members of the Council shall be chosen and summoned by the Governor General and sworn as executive councillors, and shall hold office during his pleasure.”

Would you consider that to be substantially different from the provisions of section 52 ?

A.—May I have a look at it ? (The Acts in question were then handed to the witness).

Q.—What is the difference ?

A.—In those two sections there is not that qualification or proviso. This section says "unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice."

Q.—Do you consider that to be a substantial difference ?

A.—That is a substantial difference.

Dr. Paranjpye.—Q.—You just said in reply to a question by Sir Arthur Froom that in your opinion the Government of India Act has not received the trial that you hoped it should have received.

A.—I said that trial that I hoped it would receive in the United Provinces.

Q.—Supposing now reasonable people begin to act in a reasonable spirit, do you think it is possible now to work that Act ?

A.—Subject to that reservation it will be possible to work any Act.

Q.—Would it be possible, having regard to the political conditions of the country, that it would allay the difficulties that have since arisen during the last three and a half years ?

A.—No.

Q.—So that you think it is too late now to make any small alterations either in the Act or in the Rules or even in working or administering the Act ?

A.—The dissatisfaction has grown too deep and wide.

Q.—You just now told Sir Arthur Froom that ten years is not too long a period in the life of a nation ?

A.—Yes.

Q.—Of course you understand that sometimes nations move very fast and sometimes move very slow or do not move at all. Sometimes the progress made in six months is greater than the progress made in a hundred years. Do you think India has been moving very fast during the last few years ?

A.—For some time past it has been moving very fast.

Q.—I find that in your province you two Ministers were working on a footing of joint responsibility. That understanding was, I take it, of a private nature ?

A.—It was confirmed by the Governor.

Q.—It was accepted by the Governor ?

A.—Yes.

Q.—But you never had any joint meetings with the Governor ?

A.—We had a few occasions of such joint meetings when there were matters relating to legislation and finance which had to be considered. But it was not generally so.

Q.—You think that your position would have been very much stronger *vis-a-vis* the Governor if he had meetings with the two Ministers alone on any points of differences. I mean between one Minister and t

Q.—In answer to the Chairman, I believe, you answered that there will be occasions when there will be no single majority party in the Legislative Council.

A.—Yes.

Q.—You think however that it is possible for the various groups to arrive at an understanding by which only certain agreed measures will be carried out and the points of differences will be laid aside for the moment and such a thing will be possible in practically every province.

A.—Yes.

Q.—So that the non-existence of a single majority party would not be so great a difficulty in the way of responsible government?

A.—It would by no means be an insuperable difficulty.

Q.—Now, with regard to the Finance Department and its attitude towards the Reserved Departments. Is it a fact that the Councils are anxious, whenever any proposal is put forward from the Transferred Departments, to know whether, first of all, every kind of retrenchment has been made?

A.—That is so.

Q.—Are you able to satisfy the members of the Legislative Council who are your supporters that every possible retrenchment has been actually carried out in the Reserved Departments?

A.—I am unable to give them any satisfaction as regards the Reserved Departments.

Q.—But if you had known fully all the details about the retrenchment in the Reserved Departments, you would have been able to carry that conviction better?

A.—Provided further there were no further retrenchment to be made.

Q.—So that you wanted to know more about the Reserved Departments order to satisfy your supporters that no further possibility of retrenchment existed?

A.—In order to satisfy myself in the first instance.

Q.—And then your supporters?

A.—Yes.

Q.—And it was because of this lack of information that they did not quite agree to all your proposals for increased expenditure because they were not certain that all the possible retrenchment had been carried out in the Reserved Departments?

A.—If there were any proposals for the increase of expenditure in the Transferred Departments, they used to judge them on their own merits. But when questions of taxation came up before them, they wished to know if all the possible economies had been effected.

Q.—You know that every taxation measure must be assented to by the Ministers and the Executive Council?

A.—Yes.

Q.—Therefore if you wanted to propose any measure of taxation for the benefit of your Transferred Departments, the Council would like, first of all, to examine whether every avenue of retrenchment in the Reserved Departments had been explored?

A.—Yes.

Q.—As regards the Finance Committee. There were some questions about its position and the Chairman appeared to ask you—I may be wrong—whether, seeing that you have got a majority in the Legislative Council of your supporters, you would not be able to pack the Finance Committee with your supporters and that there was not much difficulty in your having your own way even though you may not be on the Finance Committee?

A.—That was the question put to me.

Q.—With regard to that, are you aware that the election of the Finance Committee is based on proportional representation or the transferable vote?

A.—On the single transferable vote.

Q.—Even if you have got a majority you would not be able to get all the 8 members on your side?

A.—Yes.

Q.—You would probably get at the most 4 or 5 members?

A.—At the most.

Q.—And that only if you had taken the trouble to canvass very hard?

A.—Yes.

Q.—So that it would not be possible, without your being a member of the Finance Committee, to have your views properly expressed?

A.—Without my being or anyone of my nominees being on the Committee.

Q.—Then there was a further question about the representation of the rural population. You appeared to hint that at present the representatives of urban constituencies are better representatives of the rural population and the tenantry than the representatives of the rural districts.

A.—More particularly of the tenants.

Q.—That caused a little surprise, I am told?

A.—Yes.

Q.—Don't you think that several similar claims are made in our current politics of a similar nature? For instance, we are told that the bureaucracy rather better represents the masses than the people of the country itself?

A.—Yes; that is an age-old statement.

Q.—And consequently your statement that the urban representatives are often better representatives of the interests of the tenants than the nominal representatives of the tenants themselves is not quite so absurd.

A.—It is much less absurd than the other claim.

Q.—You also often notice that the influential people in any constituency exercise very great weight which is far more than their numerical strength?

A.—Quite so.

Q.—And consequently the landlords are able to get representatives of their way of thinking?

A.—Many.

Q.—You also know, I suppose, that most people in the towns have their interests in the land in a district?

A.—A large majority of them have.

Q.—So that there is not a clear cut division between the urban population and the village population. Most of them practically have lands in the district and keep themselves in touch with the district. Consequently, don't you think that from that point of view also many urban representatives are better representatives of the interests of the rural classes than their actual representatives ?

A.—Certainly. That enables them to acquire an intimate knowledge of the conditions of rural life.

Q.—You asked for power to reduce the cadre when substantive vacancies occur. We have always been confronted with what are called the accruing rights of the services. What is your opinion about this point ?

A.—I have never been able to understand that the phrase "accruing rights" deprives the Government of the right to determine what posts shall be maintained and what posts shall not be maintained in the interests of the administration.

Q.—So you do not attach very much importance to that ?

A.—I do not think that phrase could include them.

Q.—But supposing you want to abolish a post ?

A.—In such a case all that I am called upon to do is that the substantive holder of that post is not disturbed or that he is adequately compensated if he is disturbed.

Q.—But the contention of the lower officers is that their chances of promotion are thereby reduced if that post is done away with ?

A.—It is natural that they should complain. But as a matter of fact in regard to selection posts no officer has a right to be appointed thereto.

Q.—You also advocate the appointments of Council Secretaries on both sides, reserved and transferred ?

A.—Not for as long as the permanent secretaries and the heads of departments have seats in the Council.

Q.—Supposing they are done away with ?

A.—Then there should be Council Secretaries.

(*Sir Sivaswamy Iyer*).—*Q.*—Would it be possible for an elected Council Secretary to work harmoniously with a Member of the reserved half ?

Q.—I was coming to that question. It may be possible for a Council Secretary to work with a Minister who is an elected member. Would it be possible for a Council Secretary to work with a member of the Executive Council ?

A.—Your question will practically apply only to the official members of the Executive Council, I take it.

Q.—No ; to both, because the Executive Council have got to work as a body.

A.—Here you are speaking of the ability of the Council Secretary to work with his individual chief.

Q.—In that case, he will also be held responsible for the decision of the Executive side ?

A.—The Council Secretary has nothing to do with the decisions. He is only the spokesman of the decision. The same happens in England with regard to the Cabinet. There is the Under Secretary for War, who is the spokesman in the upper House of Parliament for the decision of the Cabinet.

Q.—In England the members of the Cabinet are elected members ?

A.—The remedy is that the appointments of these Council Secretaries should be made by the Member of the Government concerned.

Q.—So that if you have three or four Council Secretaries on the reserved side, it would practically mean that these three or four people are lost to the popular side ?

A.—I think it is a loss worth incurring.

Q.—You desire to abolish the official bloc in the Legislative Council ?

A.—Yes.

Q.—You do not want any member of the bureaucracy to be a member of the Legislative Council ?

A.—I do not want any official to be a Member except the Members of the Government and the Government Advocate corresponding to your Advocate-General.

Q.—Supposing it was made the practice that official Members should not vote on any question dealing with a transferred subject, would that meet your requirements ?

A.—What is their function there ? I consider them to be out of place as Members of the Legislative Council.

Q.—And you resent their being asked to vote by mandate ? So many additional votes given to the Government always ?

A.—It is not that which I resent ; I described a particular condition which I considered to be not a proper condition.

Q.—How often have you made use of these official votes ?

A.—Several times.

Q.—And if you had not these votes at your disposal you might have been beaten ?

A.—It does not matter. I made it a rule and Pandit Jagat Narain made it a rule that if on any fundamental matter we got a majority only by the aid of the official vote, we should treat it as a defeat and go out of office.

Q.—The question has been asked before, but I want to put it to you in order to elicit a little more information. We have been told that there has been a great deterioration in the administration of local bodies and also in University standards in the United Provinces. You have told us that both these statements are not accurate, at least in the case of the University standards statement is not accurate, and in the case of local self-government it is greatly exaggerated to say the least. What would be your attitude to an outside advisory body like that contemplated by the Universities Conference to see that the standards of the various Universities are kept up ?

A.—If that is brought into existence by the Universities themselves, by co-operation among themselves, without the intervention of Government or any other outside authority, I would not have a word to say against it.

Q.—You would welcome it ?

A.—Oh, yes.

Q.—A proposal has occasionally been made that a single Chamber having entire responsibility in the Province might occasionally pass hasty

or ill-considered legislation. That has been a complaint. What is your opinion about having some checks against this hasty or ill-considered legislation ?

A.—By what means ?

Q.—By means of a second chamber for instance ?

A.—If the single chamber is elected merely on the basis of territorial electorates without communal electorates and without special electorates such as the Chambers of Commerce, Landholders' Associations, and so on, there might be a plausible case for a second chamber constituted on a different basis, but as long as our Legislative Councils in the provinces include representatives of general constituencies, Muslim, non-Muslim and European, and of special electorates like Landholders' Chambers of Commerce, Universities and so on and so forth, and also nominated members to represent minorities and interests not brought in by means of election I do not think there is need for a second chamber.

Q.—But it might happen that these special electorates and these nominated non-officials, because you are going to do away with the official bloc, might not command a majority, and might pass hasty or ill-considered legislation ?

A.—It has been felt in the present Legislative Council that the representatives of special electorates, including the communal and the European, are very powerful.

Q.—Including the communal electorates and also the territorial electorates ?

A.—Yes, but there is a distinction between the two. Suppose there was only one general territorial electorate, without special arrangements for minority communities, then it would be less likely that interests represented by certain minority communities would have adequate representation than in the present circumstances. All this is a check upon the tendency of the general representatives to proceed too fast and too far.

Q.—But hasty and ill-considered legislation may not necessarily only be in the direction of communal question ? There may be other questions which do not savour of communal feeling on which hasty and ill-considered legislation is possible.

A.—But a legislature composed of representatives of diverse parties which I have now enumerated is expected to, and as a matter of fact does contain, enough elements to render unnecessary the creation of a second chamber.

(*Maharaja of Burdwan*)—Q.—What I want to ask you, supplementary to what Dr. Paranjpye said regarding a second chamber for provincial councils is, if you have got full autonomy, do you think a province would be better off with a second chamber ?

A.—It does not necessarily follow.

(*Maharaja of Burdwan*).—Q.—Don't you think it would be a healthier check in the province to have a second chamber ?

A.—My point is that the necessity for such a check may be felt when the present Legislative Council is differently constituted.

(*Maharaja of Burdwan*).—Q.—It may be necessary to change the constitution of the one chamber to provide for two chambers, but as a general abstract principle, supposing there is full provincial autonomy, would you prefer the present constitution of a single chamber to be so changed as to provide for two chambers ?

A.—I have an open mind on the subject.

Q.—Talking about primary education, you said there was a great deal of waste ?

A.—There was a large number of students leaving at the lower primary stage.

Q.—So that their literacy is not kept up for a long time ?

A.—No.

Q.—What is your remedy for this ?

A.—For urban areas we had a compulsory education measure and for rural areas special encouragement has been given to keep students at school up to the upper primary as distinguished from the lower primary stage.

Q.—In what way have you offered this encouragement ?

A.—In the way of grants-in-aid and free studentships and given assistance in the purchase of school materials.

Q.—Don't you think compulsory primary education for five years is the only effective remedy for this ?

A.—That is so.

Q.—Did you move in this direction in your Legislative Council ?

A.—It was hopeless for want of funds to think of it in the rural areas during the last three years.

Q.—Did you propose any scheme of taxation for this purpose ?

A.—There were proposals for taxation made by the Finance Member to balance the Budget and it was a hard enough job to get the Council to assent to them. Nobody would have given assent to further taxation proposals.

Q.—But supposing you had told the Council you wanted taxation for this particular purpose ?

A.—Provided there was no other proposal for taxation at the same time before it. It would not have accepted four or five different kinds of taxes separately.

Q.—If you or your colleague Pandit Jagat Narain had gone to the Council and said you wanted this taxation to carry out a scheme of compulsory education would the Council have accepted it under proper safeguards ?

A.—Under proper safeguards and provided there were no competing proposals of taxation before the Council at the same time.

Q.—You mention in paragraph 9 that the Legislative Council is not to criticise the Governor ?

A.—Yes.

Q.—And you consider this a disability on the part of the Legislative Council ?

Q.—You either have a constitutional Governor and then save him from criticism, or if he continues to have these present powers, you allow him to be the subject of party recriminations ?

A.—The first by choice, the second by necessity.

(*Mr. Chairman*)—*Q.*—Don't you think he ought to be a member of the legislature if he is going to be criticised ?

A.—I have no objection to his being a member.

Q.—You mentioned yesterday three Bills on which the Government of India over-ruled you, or tried to interfere with you. Were there any administrative measures in which the Government of India interfered with you ?

A.—Oh, yes.

(*Mr. Chairman*).—*Q.*—Transferred subjects ?

A.—Transferred subjects.

Q.—Can you give us illustrations ?

A.—A certain officer was appointed as Superintending Engineer by the transferred Government. There was another officer who thought the appointment should have gone to him and not to the individual actually chosen. He petitioned the Governor. The Governor rejected his petition. In the same petition he also stated that unless this promotion was given to him, he would retire on proportionate pension. He complained that he had been superseded, although he admitted that the officer actually selected was 11 years senior to him.

(*Mr. Chairman*).—*Q.*—This was a service appeal ?

A.—Yes, that is why I am not giving the names.

(*Mr. Chairman*).—*Q.*—An appeal under the rules governing the rules of service ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—If the Government of India did not sometimes interfere, what is the use of the appeal ?

A.—I was merely asked if there was an attempt at interference.

(*Mr. Chairman*)—*Q.*—Was that the kind of interference you contemplated ? You said administrative interference ?

A.—In this particular case you will find there is a little more.

Q.—Let us have the details if you do not mind ?

A.—He appealed to the Government of India. The Government of India referred the case to the Local Government and the Local Government furnished to the Government of India the fullest information on the subject. Thereupon the Government of India said they were not satisfied and wanted to be furnished in original with the annual confidential reports of both these officers for a series of years in order to test the conclusions reached by the Local Government and determine the issue. The Local Government uttered I think a mild form of protest against not being trusted even with regard to the accuracy of their summary of facts, and furnished the reports in original. Then the Government of India issued a circular letter to all Local Governments, that followed immediately upon this correspondence, that certain Local Governments had been found transgressing the orders of the Secretary of State in the matter of appointments of Superintending Engineers ; that careful discretion had not been exercised in the matter of selection and that they should be more strictly

bound by the orders of the Secretary of State. Subsequently, after two or three more months, the Government of India replied that they would not interfere with the orders of the Local Government on that particular matter.

Q.—You think this is too great an interference on the part of the Government of India ?

A.—Yes, I do think so.

Q.—At any rate the fact that such an appeal should be considered ? You think the Local Government should have full power of postings and promotions ?

A.—Certainly in Transferred Departments at least.

Q.—Was the agenda of the Legislative Council discussed at a joint meeting ?

A.—No.

Q.—The attitude of the Government on various resolutions that were to be moved was not discussed ?

A.—That used to be done in the first year.

Q.—Not afterwards ?

A.—No.

Q.—So you did not know at all what attitude Government was to take on a resolution in connection with the Reserved Departments ?

A.—From the second year onwards the Ministers did not know. Only in one or two cases were they discussed and the Governor consulted both the Executive Council and the Ministers.

Mr. Jinnah.—*Q.*—You were just now shown sections from the South African Constitution and that of Australia and you were asked to compare those two particular sections with section 52, sub-section (3) of the Government of India Act. In the first instance in Australia the Executive is responsible to Parliament, you know that ?

A.—Yes.

Q.—And the whole constitution is entirely different from the Government of India Act of 1919 ?

A.—Of course.

Q.—There the Governor General is a constitutional head like the King ?

A.—Yes.

Q.—Don't you think therefore that to compare the Government of India Act with a constitution where the country has got responsible government is comparing a donkey with an elephant ?

(*Mr. Chairman*).—*Q.*—I must really intervene ; I did not ask the witness to compare the constitution under the Government of India Act to the constitution under the South African Act. I asked him to read a certain section. The wording was what I referred to.

Q.—Quite so, and if I may say with respect, that is misleading to take one section from a constitution where there is responsible government, and

Q.—Well now under the Government of India Act the Governor is practically supreme. You cannot as a Minister introduce any measure in the legislature unless he allows it ?

A.—That is so.

Q.—Your attention was drawn to section 84A. Now there is nothing in section 84A which prevents an enquiry being made before the 10 years ?

A.—At least that is what I was told by the late Secretary of State when I gave evidence before the Joint Parliamentary Committee.

Q.—You know in Parliament there was a debate on this section and an amendment was moved—you remember that ?

A.—Yes, and it was Mr Montagu's contention . . .

Q.—And Mr. Montagu laid down in his speech that there is nothing to prevent an enquiry being held before the 10 years expired ?

A.—Yes, that was his position.

Q.—Now don't you think it a somewhat parrot-like cry to say that the constitution must be worked for 10 years however wrong it may be ?

A.—Yes, I have compared it to the superstition among Hindus that we must wait for a particular date.

Q.—Now look at that section 84A just for a moment. It says " At the expiration of 10 years after the passing of the Government of India Act of 1919 the Secretary of State, with the concurrence of both Houses of Parliament, shall submit to the approval of His Majesty the names of persons to act as Commissioners for the purposes of this section." So it is obligatory that a Commission should be appointed at the end of 10 years ; but it does not say you cannot appoint a Commission earlier.

Q.—I do not want to go into the details of your memorandum but I understand—is that correct ?—your main objection to dyarchy to be—first, that the Governor is not a constitutional Governor. That is no. 1. No. 2 is that there are practical difficulties in working the dyarchy ; and no. 3 is that there are fundamental differences as to the angle of vision, on the one hand, of the bureaucrat and on the other hand of the Ministers who come from the popular side. Do I understand that correctly ?

A.—Yes, I completely agree.

Q.—Well now, so far as the constitutional position is concerned, is it possible in your opinion to continue dyarchy if you make the Governor a constitutional Governor ? Will it be dyarchy ?

A.—It may be dyarchy or it may be anything else but still it won't be full responsible government. There cannot be complete powers for the Ministers even then in a dyarchical government.

Q.—I do not quite follow. Supposing you have a constitutional Governor, then would it still be dyarchy ?

A.—He will be a constitutional Governor in relation to the Ministers only—is that what you mean ?

Q.—Yes, with regard to the portion which is transferred.

A.—But even then so long as the powers which are at present vested in the higher authorities remain, neither can he be a constitutional Governor

Q.—Then if you make him a constitutional Governor with regard to say half, and supposing you removed the other higher powers right up to the Secretary of State for India—supposing you have a constitutional Governor and you take away the powers of the Government of India to interfere except as to veto, I take it the veto will remain, and you take away the power of the Secretary of State for India—supposing you have a constitutional Governor with regard to one half and the other half is reserved—will that work?

A.—If there are to be two distinct separate Governments in the matter of finance, of taxation, of borrowing, etc., so that the Government of India, except in so far as the Governor General has the power of veto, may have nothing whatsoever to do with the transferred half of the Government, the separation will have to be so very complete that you will have two distinct Governments.

Q.—You mean to say it can only work if there was a complete water-tight division absolutely with regard to everything?

A.—Yes from top to bottom.

(*Dr. Paranjpyc*).—*Q.*—Is it possible to work such a scheme?

A.—It will soon be found unworkable.

Q.—Well now I want to put you this question. Is it possible to bring about such a complete division—is it possible to carry on the administration if that complete division were brought about?

A.—I do not think that complete division itself is possible.

Q.—And why do you say it is not? I think you have quoted the Bombay Government on that point?

A.—Yes.

Q.—Do I understand that is your complete reason, or whether you have any other reason?

A.—I think it is in a way a complete statement of the case.

Q.—That is to say you think it is impossible because these various subjects overlap each other and they underlie each other and therefore it is impossible to have a complete division of the two halves in every respect from top to bottom?

A.—Yes, it will be almost like trying complete dyarchy in the physical frame of a human-being.

Q.—Well then, you say there are practical difficulties in working dyarchy. Now I want you to state shortly—I do not want the details, I want the heads—what are your practical difficulties?

A.—Difficulties with the Governor, difficulties with the Executive Council, difficulties with the Secretaries and heads of departments, difficulties with the Legislative Council, difficulties about finance, difficulties about administration.

(*Mr. Chairman*).—*Q.*—Are these difficulties inherent in dyarchy or would some of them exist in any Government?

A.—I am almost disposed to say they are inherent in dyarchy.

(*Mr. Chairman*).—*Q.*—They would not exist under another form of Government?

A.—Not this particular kind of difficulties.

Q.—Now let me understand—you say you have difficulties with the heads of departments. Do I understand your difficulty is, to start with,

that the outlook, the mentality or to put it shortly, the angle of vision of the heads of departments is fundamentally different from that of the Minister ?

A—Yes, that is so.

Q.—One is bureaucratic, the other is democratic, and therefore it may be there is an honest difference of opinion, but it becomes very difficult to work ?

A.—To that is added the knowledge of the head of a department that he need not necessarily accept the decision of the Minister as final.

Q.—He knows he has got a right of appeal in case of a dispute between him and the Minister. Well then his appellate court is the Governor, and in your Province he happens to be a member of the famous Civil Service ?

A.—Yes.

Q.—And he is brought up in the traditions of the Civil Service , and you found that his outlook and mentality was totally different from yours ?

A.—Both he and I found it.

Q.—To your cost as it resulted in your resignation ?

A.—Yes.

Q.—Well, that is the difficulty you found so far as those who were under you in your departments were concerned. And those who were above you ?

A.—I would like to supplement by one sentence—my answer to an earlier question about the heads of departments. It is not necessary for the head of a department to go before the Governor with an appeal against the Minister when the Minister has not agreed with him. Under the rules of executive business it is imposed upon the Secretary as an obligatory duty to refer to the Governor every case of importance where the Minister differs from the head of a department, and not to take any action on the Minister's opinion.

Q.—That would not matter so much. Even under responsible government it may be that if your Secretary did not agree with you probably he would go to the Cabinet.

A.—It is not the Secretary disagreeing with me. Wherever the Secretary finds that the Minister has disagreed with the head of a department, then he is bound by rule to lay the case before the Governor. That is not merely in exceptional cases.

Q.—Whenevor there is a difference between the Minister and the head of a department, the appeal must go up as a matter of course.

A—Yes, it is the duty of the Secretary.

Q.—We have now got as far as the heads of departments and those who are under you as Secretaries. Your difficulty with regard to Secretaries is that they can also appeal against you, and you have told us your difficulty with regard to the Governor. Now what about your colleagues on the reserved half ?

A.—One of them is an officer of the I. C. S. and the other is a non-official Indian. We have an Executive Council of only two Members. I should like to know what your question is with regard to that ?

Q.—Do you find any difficulties with them in working your dyarchy ? Are they in any way obstructive or make difficulty for you in any way ?

A.—The difficulty only comes from the Finance Member. With the other Member we have very little concern

Q.—Do I understand this from you that this system of dyarchy could only have been worked with any amount of success if there was a complete harmony as to the mentality, the outlook, the perspective and the spirit ?

A.—Yes, that is so. But if it had been so, there would have been no dyarchy.

Q.—There is a dyarchy. That system is there. That system could only have been worked with some amount of success if there had been these common elements—outlook, mentality, perspective, and spirit ?

A.—Yes.

Q.—Then it might have achieved some success ?

A.—Yes.

Q.—Was it one of the important causes of failure of dyarchy that these were not there on both sides ?

A.—Yes, it would be.

Q.—I think you were one of those who put their views before the Joint Parliamentary Committee ?

A.—Yes.

Q.—And after the Act was passed, I think you were one of those who thought that you had gone to the highest tribunal, that you had fought for your views, and a decision was given, and that you were willing to carry out that decision in a spirit of harmony and loyalty ?

A.—Yes.

Q.—And you belong to a party who also felt the same ?

A.—Yes.

Q.—And you entered your Council with that feeling ?

A.—Yes.

Q.—You earnestly wanted to work the reforms ?

A.—Yes.

Q.—Is it not a fact that a large section of the people decided to non-co-operate ?

A.—Yes.

Q.—Now, the section that decided to non-co-operate belong to a section which is an extremist section—so we call them ?

A.—Yes.

Q.—If they had entered the Council—the opposers as they were to the reforms—would you have found a more congenial soil to work or a less congenial soil to work dyarchy ?

A.—Less.

Q.—Then it was better if dyarchy was to succeed that that section—a large section of the people no doubt—did not enter the Council ?

A.—It is so.

Q.—You had entire harmony so far as the majority of the representatives in the Council were concerned ?

A.—Yes.

Q.—And it was not because those who were in the Council and the Minister were not willing to work in harmony and co-operation that you eventually failed but because of the various defects that you have pointed out ?

A.—Yes.

Q.—Therefore, I take it that you are definitely of opinion that this dyarchy must be done away with ?

A.—Completely.

Q.—Supposing it is done away with, what is the substitute ?

A.—It can only be one of two things, either full responsibility or reversion to the old system of Government.

Q.—I think a question was put to you by the Chairman and you said that the struggle was great but that you did achieve some results.

A.—Some results.

Q.—I suppose that under any form of Government you would have achieved some results with your struggle.

A.—Obviously.

Q.—Even if it was the pre-reform Council.....

A.—Quite so

Q.—Even there, you would have achieved some results with your struggle ?

A.—I was able to achieve some results even as a non-official Member of the old Council

Q.—Unless the Government is.....

A.—Obdurate.

Q.—.....is uncivilised, under any form of Government prominent men of ability would be able to influence the Government and carry some measures.

A.—Yes.

Q.—Now, as far as the Central Government is concerned, your proposal is really this that the civil administration must be handed over to the Ministers responsible to the legislature.

A.—Yes.

Q.—And the Army, and the Political and Foreign affairs should remain with the Viceroy or the Governor General ?

A.—Yes.

Q.—Do you know what place the administration occupies in the Government of India Act ? Do you know how the Army administration is really carried on ?

A.—It is carried on by the Commander-in-Chief and either *de jure* or *de facto*, certainly *de facto*, he has to carry out the wishes of the British War Office in one way or another.

Q.—What share has the Governor General in Council in this administration of the Army ? What is your idea about it ?

A.—My outside idea is that the civilian members of the Governor General's Executive Council have almost next to no voice in the administration of Army Affairs

Q.—The Chairman says that that is wrong and that civilian members have some voice. We do not hear that voice at any rate.

Q—Look at section 33. “ Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State.”

A—Yes.

Q—Of course you are a student of politics and you are also a student of constitutions. Have you ever been able to understand how the Army administration is carried on ? Have you got any insight into it ?

A.—I have none.

Q.—Have you had any opportunity of insight ?

A—None

Q—Is there any chance of getting an insight into it ?

A—I have not found any myself, except in the recent publication “ The Army in India.”

Q—That is a Manual by Mr. Burdon.

A.—Except to that extent, I have none.

Q—Your proposal is that so far as the civil administration or civil government within the words of this Act is concerned, it should be handed over to the Ministers who should be responsible to the legislature.

A—Yes.

Q—At present so far as the Central Government is concerned—I think I am right in saying, but correct me if I am wrong—the position is this. There are three stages ; one is the stage of influencing, the other is the stage of control by the legislature and the third is the stage of control and responsibility. So far as the Central Government is concerned, we have the first stage according to our constitution.

A.—Yes.

Q.—In your opinion do you think that 104 representatives summoned from all parts of India who come here as the representatives of the people can continue long remaining at the stage of influencing the Government ?

A.—It cannot continue long as pointed out in the Montagu-Chelmsford report in the passage which I have quoted in my memorandum.

Q—We will now come to the military question. I will ask you to look at your conclusions in paragraph 85 on page 44. You say : “ I would make the following further reservations in respect of the Military :—The King’s Indian subjects (including in this term the subjects of Indian States) should be eligible for service in all arms of defence.” Are they not eligible for all arms of defence ?

A.—My impression is that they are not.

Q.—You refer to the artillery ?

A.—Artillery, Air Force.

Q.—Woolwich ?

A—Yes.

Q.—You say that all that should be done away with ?

Q.—Don't you think that is a stigma on the people of India ?

A—Of course, it is.

Q.—All you say is that adequate facilities should be provided in India as may be decided by the Government of India. What do you mean by that ?

A—The Government of India responsible to the Legislative Assembly is to decide what institutions should be established in the country or what scholarships should be given to Indians to proceed to England for the acquisition of knowledge of the various branches of military training, and whatever is the cost of the facilities they so recommend should be met out of the Army Budget which will be at the disposal of the Governor General.

Q.—I will put it to you in this way. You want a scheme which will lay down a policy which will ensure a gradual Indianization of the military services ?

A.—Yes.

Q.—And a policy and a scheme which will create some sort of Army just as they have in the Dominions ?

A.—Yes.

Q.—A National Army ?

A—Yes.

Q.—But you have not thought of any scheme how it should be done ?

A—No. I have not the facilities requisite to the framing of such a scheme.

Q.—That is to say ?

A—Adequate information. I am not competent to frame a scheme.

Q.—You have no means ?

A.—No.

Q.—Or access to the actual condition of things ?

A—I have not that knowledge of detail which would be indispensable for the framing of a scheme in detail.

Q.—Generally speaking I ask you one question on this. You have had a great deal of experience in public life and have also come in contact with people. Supposing a real, honest, earnest effort was made to prepare the people of India to take over the defence of their country what period would you suggest within which they would be able if a real effort was made.....

A.—I can only say that the position should be reviewed at the end of 10 years. I cannot say even approximately that within a certain period.....

Q.—I do not say, fix a period. But supposing a real, workable scheme was framed for all that you have just now said—a real earnest effort was made, roughly, I do not say it may or it may not be, but roughly speaking, within what period do you think that the people of India will be fit to take over the defence of their country, if all efforts were made, if genuine efforts were made ?

A.—There should be an enquiry a certain time after the genuine efforts have commenced to see what progress has been made. I am not able at the present moment to say within what period even approximately everything will be ready.

Q.—50 years ?

A.—I would not commit myself to any period.

Q.—Then I take it that you really want a particular scheme to be put into execution and.....

A.—And carried out earnestly.

Q.—And then at the end of 10 years there should be an enquiry ?

A.—Yes.

Q.—Supposing your recommendations were carried out, then you would have provincial autonomy and civil administration in the hands of ministers in the Central Government responsible to the legislature and then what will be the position of the Secretary of State's Council ?

A.—The Council of the Secretary of State should be abolished. The Secretary of State's position so far as the civil administration of the country goes, should be analogous to the position of the Secretary of State for the Colonies in relation to the Dominions. In respect of the two reserved subjects, foreign and political and military, he will still exercise control over the Governor General.

Q.—With regard to the question of separate electorates in the United Provinces there was some years ago a great deal of feeling about that question ?

A.—Yes.

Q.—And I take it that so far as your province is concerned they do not wish to disturb the existing conditions, as the electorates stand to-day ?

A.—Yes.

Q.—Both municipal and Legislative.....

A.—And District Boards.

Q.—I take it that there is much greater harmony and better feeling politically between the Hindus and Muhammadans in your province than there ever was before ?

A.—That is so.

Q.—Is there anything in your opinion which can prevent responsible government being established although separate electorates may be retained ?

A.—I do not see any necessary antagonism between the two.

Q.—If responsible government was established in provinces do you think that notwithstanding separate electorates Hindus and Muhammadans would contest their respective electorates on a policy, on a definite programme ?

A.—Yes.

Q.—Which they would work together when they enter the Councils ?

A.—Yes.

Q.—In fact, that has been done to a certain extent now, whatever policy or programme the party can form to-day ?

A.—Very

A.—They are competent to select from among the candidates the persons whom they want to select

Q.—I suppose that there is hardly a country where the electorate goes into the particulars of an issue ?

A.—None that I am aware of

Q.—The electorates generally take a broad issue, a particular question. Is not that so ?

A.—Yes. Merely in general outline

Q.—In your opinion are the electorates in your province sufficiently intelligent to understand broad issues ?

A.—They are.

Q.—And you think that the electorates or the voters will be far more keen in recording their votes if they realise that the Government is a responsible Government and that the party having the largest majority will come into power and form a Cabinet ? Do you think that the voter will then take more interest ?

A.—That is what is likely to happen

Q.—Will he then exercise his vote with greater caution and more carefully if he realises that ?

A.—I do not think that there is any lack of caution even now. He understands quite well for whom he wants to vote, and he votes for him.

Q.—When he finds that his vote means serious business because the majority will form a Cabinet and carry on the Government.

A.—That is quite likely to happen.

Q.—If that is brought to his notice and....

A.—And candidates will bring it to his notice.

Q.—I think the President pointed out to you clause 3 of the Instrument of Instructions. I want to draw your attention to the next clause, that is, clause 4, which must be read with clause 3. It says, " Nevertheless, you shall encourage the habit of joint deliberation between yourself, your Councillors and your Ministers in order that the experience of your official advisers may be at the disposal of your Ministers and that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your councillors " Was that carried out after Sir Harcourt Butler changed his policy ? The first seven or eight months you said it was ?

A.—In the second year it was carried out partly.

Q.—And then dropped altogether ?

A.—During the four months of the third year when I was a member of the Government it practically dropped out

Q.—I supposed it was dropped out because the experience of the official advisers at the disposal of the Ministers and the knowledge of the Ministers as to the wishes of the people did not work together ?

A.—That might have been the motive. I cannot enter into the motives of the Governor. I only know this much that it was stated that the joint meetings

Q.—The object was that the experience of official advisers should be placed at the disposal of the Ministers on the one hand and on the other

hand the object was that the knowledge of the Ministers as to the wishes of the people was to be placed at the disposal of the Councillors ? You see that ?

A.—I see that clearly enough.

Q.—Then I say that when that was done at the commencement of the regime of Sir Harcourt Butler and a little less later on, was it due to the fact that it was impossible to work with that knowledge and that advice ?

A.—They were less willing to be influenced by the opinion of the Ministers.

Q.—And you were less willing to follow the advice of the official experience I suppose ?

A.—It was seldom given to us.

(*Mr. Chairman*).—*Q.*—Did you ask for it ?

A.—There were the meetings of the Government.

(*Sir Muhammad Shafi*).—*Q.*—Mr. Chintamani, in reply to Mr. Jinnah a short while ago you stated that the civilian members of Government have no voice in military administration ?

A.—I said, so far as I can know from outside they appeared to have little voice. I did not assert that they had no voice.

(*Sir Muhammad Shafi*).—*Q.*—Permit me to invite your attention to section 33 of the Government of India Act. ‘ Subject to the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council who is required to pay ’ You see from that that the military administration of the country is by statute vested in the Governor General, the Commander-in-Chief, and the six civilian members of the Executive Council ?

A.—In the Governor General in Council ?

(*Sir Muhammad Shafi*)—*Q.*—Which means the Governor General, the Commander-in-Chief, and the six civilian members of the Executive Council.

A.—The Commander-in-Chief when he is appointed an extraordinary member.

(*Sir Muhammad Shafi*)—*Q.*—The Governor General in Council means the Governor General, the Commander-in-Chief, and the six civilian members of the Executive Council

A.—I submit not necessarily. I submit it includes the Commander-in-Chief only when he is appointed an extraordinary member of the Executive Council.

(*Sir Muhammad Shafi*).—*Q.*—Then the superintendence, direction and control of the military administration, if the Commander-in-Chief does not happen to be an extraordinary member, is vested exclusively in the Governor General and the six civilian members of the Executive Council according to statute ?

A.—That is the statute.

(*Sir Muhammad Shafi*).—*Q.*—Do you mean to say that questions of military policy are not settled by the Governor General in Council ?

A.—I mean to say nothing of the kind. I have stated that what

de facto position was that they had little voice, or little effective voice, or something like that. I did not assert they had no voice

(*Sir Muhammad Shafi*)—Q.—Do you remember that a couple of years ago a Committee called the Inchcape Committee was appointed by the Governor General in Council to overhaul the entire expenditure, civil and military, of the Government of India?

A.—I remember.

(*Sir Muhammad Shafi*).—Q.—And their recommendations have been carried out by the Government of India?

A.—At least to a great extent, if not in full. Not in full, I believe.

(*Sir Muhammad Shafi*)—Q.—You are aware that that Committee was appointed by the Government of India?

A.—Yes.

(*Sir Muhammad Shafi*).—Q.—Not by the Secretary of State in Council?

A.—No.

Q.—Mr. Chintamani, under section 33 of the Government of India Act, which the Honourable Sir Muhammad Shafi has pointed out to you, the Government of India really have to pay due obedience to the orders of the Secretary of State?

A.—Yes.

Q.—And you have heard that it is characterised as the subordinate branch of British administration?

A.—Yes.

Q.—Do you know what happened to the Esher Committee Report?

A.—I know nothing in particular about it.

(*Mr. Chairman*)—Q.—I have got only one or two questions I understood you to say in answer to Mr. Jinnah that you liked the position of the Secretary of State *vis à vis* the Government of India to be that of the Secretary of State *vis à vis* the Dominions?

A.—In respect of civil administration.

(*Mr. Chairman*)—Q.—You know the control that the Secretary of State has over the Dominions?

A.—I have always been told that he exercises no control.

(*Mr. Chairman*).—Q.—You gave this answer to Lord Selborne when you were examined on the Government of India Bill. This is what you said.

“ You may take it from me, having been a Governor of a Dominion, that the control of the Secretary of State is a very real one? Of course, I take that from your Lordship, and I do not pretend that I know that the control is not real.”

A.—But we have been told for two generations that the Secretary of State for the Colonies is absolutely impotent to intercede on behalf of Indians in the Dominions and that the Dominions must have their own way.

(*Mr. Chairman*).—Q.—That does not answer my point.

A.—I have drawn, very respectfully, your attention to the other part of the truth.

(*Mr. Chairman*)—*Q.*—In reply to Mr. Jinnah you said that the electorates are capable of taking a proper decision on a broad question ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—What is the particular question that they decided in the last election ?

A.—In the last election they decided particularly in favour of the Swarajists.

(*Mr. Chairman*).—*Q.*—What does that mean ?

A.—That means Self-Government for India or Swaraj for India at the earliest possible moment.

Q.—And the condemnation of the present constitution ?

A.—They expected and believed that the Swarajists and their policy would secure that quicker and better for them than our policy could.

(*Mr. Chairman*).—*Q.*—Therefore they decided against you ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—They took a view which you did not consider to be sound ?

A.—I did not say it was necessarily sound.

(*Mr. Chairman*).—*Q.*—Mr. Jinnah asked you whether you could imagine the constitution working if you summon 104 representatives from all parts of India who can only remain at the stage of influencing the Government and you replied that you could not imagine that.

A.—The reply has been given in that passage of the Montagu-Chelmsford Report which I have quoted in my memorandum. That was my reply to Mr. Jinnah.

(*Mr. Chairman*).—*Q.*—In connection with the 104 members they represent, I see, 9,90,000 electors.

A.—I take that figure from you.

(*Mr. Chairman*).—*Q.*—Is not that rather a small electorate to the total population ?

A.—Yes.

Q.—They represent a little more than the six members of the Governor General's Council ?

A.—And they represent more than the members of the House of Commons did till quite recently.

(*Mr. Chairman*).—*Q.*—You said till quite recently. How recently ?

A.—Here is my reply (showing the memorandum). If you wish me to read it, I will do so.

(*Mr. Chairman*).—*Q.*—I will take it from you, as you took my figure when I said that the electors were 9,90,000.

Mr. Chairman then thanked the witness who then withdrew.

Tuesday, the 19th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. R. G. Pradhan, M.L.C., Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Pradhan, you are a member of the Bombay Legislative Council ?

A.—Yes Sir.

Q.—You have been a member since the commencement ?

A.—Since the last election.

Q.—You were not a member of the first council ?

A.—No.

Q.—What constituency do you represent ?

A.—Nasik District, Rural Constituency.

Q.—You state in your Memorandum that you always disliked dyarchy ?

A.—Yes.

Q.—You talk of the inherent defects of dyarchy. What are they ?

A.—One inherent defect of dyarchy is that it is against human nature.

Q.—I should like that explained.

A.—I have explained that in my Supplementary Memorandum.

Q.—If it is in your Memorandum, I will refer to it.

A.—It is in the second Memorandum that I sent later on, not the first.

Q.—What is the second defect ?

A.—Government is an organic whole and I do not think it is possible to divide it.

Q.—And the third ?

A.—Under dyarchy you cannot have genuine and full responsibility even as regards transferred subjects.

Q.—And the fourth ?

A.—These are the principal inherent defects of dyarchy

Q.—I want to point out to you that paragraph 2 of your Memorandum is not quite accurate in the sense that the Joint Committee made a different recommendation when they came to deal with the Bill. You may take it from me that they did.

A.—I have not understood you, Sir.

Q.—You say that the Joint Report said that there should be re-examination after 5 years' time ?

A.—Yes.

Q.—As a matter of fact when the Joint Committee sat on the Bill, they said that it need not be examined for 10 years. You know it ?

A.—Yes, I know it.

Q.—I am merely pointing out to you that the thing was considered after the rules had been made. That was the view of the Joint Committee, you know that ?

A.—Yes.

Q.—Have you ever been a member of the Bombay Government ?

A.—No.

Q.—What is your reason then for stating that the administration of the Transferred Departments is not carried on on the principle of joint responsibility ?

A.—Recently I asked a specific question to the Government as to whether the administration of the Transferred Departments was carried on on the principle of joint responsibility and the reply that was given to me practically amounted to a negative. There was no direct reply, but it amounted to a negative.

Q.—You base it on a reply given by the Bombay Government ?

A.—Yes

Q.—Would you tell us when that reply was given ?

A.—During the last Session of the Council in July last

Q.—How do you suggest that the Government of India should balance their budget if you take away income-tax and stop provincial contribution ?

A.—I think the Government of India must appoint a Committee to explore every possible avenue of taxation

Q.—But I think they have appointed a Committee ?

A.—I know they have, but I daresay.....

Q.—Would you await the recommendations of that Committee before you take away provincial contributions ?

A.—But I daresay if the question is fully investigated, some additional sources of taxation could be found out.

Q.—In regard to the Indianisation of the services in the Transferred Departments the Lee Commission report recommends that without prejudice to existing incumbents those services should be transferred to the control of the Ministers ?

A.—Yes.

Q.—They do want that ?

A.—Yes.

Q.—The effect of that rule will be that they will be completely Indianised ?

A.—Yes.

Q.—You are quite sure that the effect of the transfer will be complete Indianisation ? If these services are transferred to Ministers as proposed by the Lee Commission report, the result will be that the services would be completely Indianised ?

A.—Almost completely.

Q.—That would be sufficient for your purpose ?

A.—Yes.

Q.—That will satisfy you ?

A.—Yes.

Q.—And what about the existing people ? Would you deprive existing officials of their protection ?

A.—That will depend upon the nature of protection which they want.

Q.—I mean at the present day they have certain rights. You would not take them away ?

A.—I would not deprive them of those rights.

Q.—That is to say you would accept the Lee Commission report on that ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—The services will be mainly Indianised only in the process of time, not immediately ?

A.—As far as possible quickly.

Q.—There is one quick way of doing it. Would you propose to compensate the officers and retire them if you want Indianisation ?

A.—Yes, I have no objection to that.

Q.—You dislike reservation of seats for Mahrattas ?

A.—Yes, I dislike it.

Q.—You do not think if that is discontinued there would be dissatisfaction among the Mahrattas ?

A.—It will cause some dissatisfaction among the Mahrattas if this principle is abandoned, but you cannot help it ; you will have to face it.

Q.—You do not mind annoying them ?

A.—No.

Q.—In the interests of progress the reservation has got to go ?

A.—Yes.

Q.—What was the object in giving reservation to them ?

A.—The object was to give them a fair proportion of representation in view of the fact that it was supposed that they were so backward that otherwise they would not be able to get themselves elected.

Q.—Has it had that effect ?

A.—In the meanwhile during the last 3 or 4 years there has been a great deal of progress among them. They have been able to organise themselves to a large extent and their ambition has been so much increased that they want to capture all the seats, if possible, to oust other people also.

Q.—Would you recommend reservation of your own seat to protect you from the attacks of the Mahrattas ?

A.—So far as my seat is concerned, I think it is very safe.

Q.—Therefore your point is this, that reservation is no longer necessary ?

A.—It is not necessary now. It may be abandoned now. It has done its work.

Q.—It was necessary originally, but it is now unnecessary ?

A.—Whether it was necessary or not it has done its work.

Q.—Was there any work to do ? How many non-Mahrattas seats have you ?

A.—I may tell you in this connection that there are some districts in the Deccan in which there is no reservation of seats, and in spite of that fact the Mahrattas and the allied castes have been able to elect a good number of candidates.

(Sir Sivaswamy Aiyer).—Q.—How many seats ?

A.—11 in all.

(Sir Sivaswamy Aiyer).—Q.—Out of how many elected seats ?

A.—85 or so.

Q.—I see you recommend the extension of the franchise ?

A.—Yes.

Q.—Can you tell me roughly what is the number of the electorate in your Council ?

A.—I could not give you the exact number

Q.—What is the population of the Bombay Presidency ?

A.—Two crores.

Q.—The electorate of the Bombay Presidency is 6,30,000. It is rather a small electorate, is it not ?

A.—Yes it is small.

Q.—Would you advise a large extension ?

A.—Fairly large. I do not mind it.

Q.—I see you say something about certain literary qualifications.....

A.—What I would propose in that connection is that at present in urban constituencies only those persons are voters who pay Rs. 36 as rental value. This limit may be lowered to Rs. 24.

Q.—Do you think that would not make a difference in the electorate ?

A.—I think it will make a good deal.

Q.—I mean a difference in the quality ?

A.—It will not make much difference so far as the quality is concerned. I am, of course, speaking of the provincial Legislative Council.

Q.—What would you say about your electorate ? Would you say that it is fairly well educated ?

A.—It is an intelligent electorate. They have a good deal of commonsense.

Q.—I take it that most of the inhabitants of the Bombay Presidency are intelligent ?

A.—Certainly.

Q.—Then why not try to enlarge the electorate ?

A.—I do not mind if it is done.

Q.—Do you think it would have any bad effect ?

A.—No.

Q.—And the quality of the electorate would remain much the same ?

A.—The quality is fairly good on the whole.

Q.—If you take the manhood suffrage the quality would be very much the same ?

A.—It will not deteriorate in Bombay.

Q.—What about Sind ?

A.—I have no personal knowledge of the conditions of Sind.

Q.—Have you ever been there ?

A.—No.

A.—I have been in some of the districts. I know the Satara district well

Q.—You think that the ordinary man in the street there is just as qualified to have the franchise as any other ?

A.—Yes.

Q.—Would you like to have a big electorate there ?

A.—I will not be against it.

Q.—Would you be for it ?

A.—Certainly. It will have to come sooner or later.

Q.—Would you like it to come sooner ?

A.—I do not mind it if it comes sooner. I do not think it will do any harm.

Q.—What proportion of the population are the Mahrattas ?

A.—I asked this very question from my Government but they were unable to give me the exact proportion or any proportion between the total number of Mahratta voters.

Sir Sivaswamy Aiyer.—Q.—What is the proportion of the Mahratta to the general population of the Bombay Presidency ?

A.—It is a very large proportion, say, about 75 per cent., I could not tell you the exact number just now.

Q.—You were elected from the Nasik district, non-Muhammadan Rural Constituency ?

A.—Yes.

Q.—How many votes did you poll ?

A.—I polled 3,800 votes.

Q.—And what was the total number of votes of your opponent ?

A.—3,200. There were two seats. One of them is a reserved seat. There was no contest for the reserved seat and the voters had to give one vote.

Q.—Was that a Mahratta seat ?

A.—Yes; one seat is reserved for the Mahrattas.

Q.—If it had not been so reserved, do you think the Mahratta candidate would have got it ?

A.—There would have been a contest between him and me. There are two seats for the Nasik district. I would have got one and he would have got the other.

Q.—Supposing there were two Mahratta candidates, do you think would have got in ?

A.—Perhaps both of them would have succeeded and defeated me.

Q.—But what do you think ? You said your seat was secure ?

A.—It depends upon the kind of candidates who come forward. My opponent, though technically not a Mahratta, was a man belonging to backward community.

Q.—That is why you beat him ?

A.—He was not a popular man

Q.—Because he was a member of the backward community ?

A.—No, but for other reasons. He was not a very highly educated

Q.—Is it not a fact that candidates of the backward community are not popular among the Brahmins ?

A.—I do not accept that view.

Sir Muhammad Shafi.—*Q.*—What is the connection ethnologically or otherwise, between the province of Sind and the rest of the Bombay Presidency ?

A.—My knowledge on that subject is very limited but I believe there is not much connection between the two.

Q.—You are a believer in self-government ?

A.—Yes.

Q.—And why Sind should not be allowed to govern itself instead of being governed by the Bombay people ?

A.—I do not see any reason for doing so.

Q.—So you are in favour of the separation of Sind ?

A.—Yes ; if the people of Sind want it.

Further examination of Mr. R. G. Pradhan was postponed till Wednesday, the 19th August

The Committee rose for the day.

Examination of Mr. R. G. Pradhan—continued.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Examined of Mr. R. G. Pradhan—continued.

Mr. M. A. Jinnah.—*Q.*—In your printed memorandum you suggest (1) Council Secretaries are not appointed ; (2) the Joint Financial Secretary is not appointed; (3) Standing Committees are not appointed; (4) the administration of the Transferred Departments is not carried on on the principle of joint responsibility. Will you explain what you mean by principle of joint responsibility ?

A.—By joint responsibility I mean the joint responsibility of all the Ministers for all the departments under their control. The Ministers ought to be collectively responsible for the administration of all the Transferred Departments.

Q.—That is to say the Ministers should act jointly ?

A.—Yes, that is one part of it. Not only should they act jointly, but they should be held jointly responsible for the administration of the Transferred Departments.

Q.—To whom ?

A.—Of course to the people, to the electorate.

Q.—Then will you do away with the power of the Governor ?

A.—With regard to what ?

Q.—With regard to the joint responsibility of the Ministers ? You say they ought to be jointly responsible to the Legislature ?

A.—So far as the joint responsibility is concerned, the Governor should be a strictly constitutional Governor.

Q.—Then you say the first formula in the Montagu-Chelmsford Report regarding local self-government has not been given full effect to. Will you explain that ?

A.—It will be remembered that in the Joint Report it has been recommended that there should be full local self-government, free from outside control, and enjoying full internal autonomy. I am unable at present to quote the exact words, but that is I believe the purport of the formula. Now what I mean by saying that that formula has not been given full effect to is this, that though more than three years have elapsed since the enactment of the Government of India Act, the Acts in the Bombay Presidency relating to local self-government have not yet been so amended as to conform to that formula, as to give full power to the people, and to make the local self-governing bodies free from outside control.

Q.—You mean there are certain powers still reserved in the Government ?

A.—As a further illustration I may say in the Bombay Presidency there are a good many taluka boards which still have official Presidents.

Q.—There are still powers reserved to the Government which give them control in certain matters ? You say there should be no control over the municipal, local and district boards ?

A.—They should have the fullest possible freedom from control.

Q.—Next you say the Joint Parliamentary Committee recommended that an Education Board and a local Government Department should be created in each province. This recommendation has not been carried out ?

A.—It has not been carried out.

Q.—Supposing this recommendation was carried out and supposing your complaint about the disabilities of municipalities and district boards and local boards was carried out, and supposing your other recommendations (1) to (4) were carried out, then would you accept dyarchy ?

A.—No, even then I won't accept it.

Q.—Supposing the Transferred Departments were conducted by the Ministers jointly responsible to the Legislature, so far as their half is concerned, would it be possible to work it ?

A.—No, I do not think it would be possible to work it satisfactorily even under those circumstances, because my view is that the inherent defects of dyarchy are such that even, if these recommendations are carried out, dyarchy would not be satisfactory and would not give satisfaction to the people.

Q.—I should like you to tell me what would be the difficulties then ? Supposing your proposals were accepted, how would you divide the subjects ?

A.—One difficulty that appears to me is this, that even if these suggestions which I have made are carried out

Q.—My question is this. You have made this suggestion, you say the administration of Transferred Departments is not carried out on the principle of joint responsibility. I understand now when you give your further explanation that you want the administration of Transferred Departments to be carried on on this principle, namely that there should be joint responsibility of the Ministers to the Legislature with a constitutional Governor at their head ?

A.—So far as those departments are concerned.

Q.—Now I want to know, in carrying out the administration of Transferred Departments, how would you divide ? Would you have watertight compartments or would the Transferred Departments have anything to do with the other departments ?

A.—They should not have anything to do with the Reserved Departments except when it is absolutely necessary.

Q.—But is it possible, that is what I want to know. Supposing you are a Minister in charge of Transferred Departments and I am a Member of the Executive Council in charge of Law and Order, will you have nothing whatever to do with me and I have nothing whatever to do with you ?

A.—Though I might like to have nothing whatever to do with you, it will not be possible. That is what I have said ; I object to dyarchy even under those conditions.

Q.—Then I understand the subjects overlap and they are interwoven, one with the other, to such an extent that it is impossible to carry on half the Government on the lines of responsible government and half the Government on the lines of executive government ?

A.—Exactly, that is what I have stated when I referred to the inherent defects of dyarchy.

Q.—That is one, is there any other objection that you have thought of ?

A.—I have mentioned three ; the first objection that I have stated is this.

Q.—What do you mean by human nature ?

A.—The implications of dyarchy are such that it is against human nature to expect the Indian people to accept those implications. In other words, dyarchy is based on this principle that the Indian people are unfit to manage their affairs, even Provincial affairs.

Q.—Never mind about that ; I know you feel that very keenly ; so do I, that they say we are unfit ; I want to get at facts ; never mind human nature.

A.—Human nature itself is a great fact.

Q.—I recognise the sentimental part of it ; what are the practical difficulties ?

A.—It is impossible in fact to work dyarchy, as you have said.

Q.—That is with regard to the subjects. Now do you agree with me ? Is it not another factor which makes it difficult that the outlook of the Ministers who are in charge of the Transferred Departments must necessarily be different from that of those who are in charge of the Reserved Departments, because their angle of vision is bureaucratic and the Ministers' angle of vision is popular, and does not that bring about a serious conflict ?

Q.—Do you mean human nature in that respect :

A.—I have explained that to expect the Indian people to accept dyarchy is to expect them to accept something which is against human nature. To expect them to accept the estimate of their fitness or otherwise for self-government formed by the British people, that is against human nature.

Q.—Do you agree with this, that to have half in charge of the executive and half in charge of the Ministers is practically trying to mix oil with water ?

A.—Certainly I think so.

Dr. Paranjpye.—*Q.*—To what community do you belong ?

A.—To the Kayastha Prabhu community.

Q.—Somewhat similar to the Kayasthas of Bengal ?

A.—Yes, the same community to which Mr. Samarth belongs.

Q.—You are not a Brahmin ?

A.—No.

Q.—Kshatria caste ?

A.—Yes.

Q.—The same caste as the Mahrattas and others ?

A.—The same main caste.

Q.—Your communal interests are not the same as the Brahmins ?

A.—I do not believe in communal interests ; I have very little communal interests, if any at all.

Q.—I am talking of the interests of your caste ?

A.—They have no communal interests in fact.

Q.—In historical times your community was the rival of the Brahmin community ?

A.—Yes.

Q.—So that you are not likely to hold a specially favourable view of the Brahmins as Brahmins ?

A.—Not particularly favourable, not specially favourable.

Q.—I believe you said as regards the reservation of seats at present the Mahrattas have carried 11 seats out of 85. Do you think that is a correct statement ?

A.—When I said 85, I meant the total number of elected members.

Q.—The total number of elected members in the Bombay Presidency is 85, but you admit the Bombay Presidency contains Sind, Gujarat, as well as the Deccan and the Southern Division ?

A.—Yes.

Q.—So that, even supposing the Mahrattas carried all possible seats they could stand for, they would never carry 85 seats in the Council ?

A.—No.

Q.—Apparently from the Mahratta speaking districts, which are 9, they have only about 21 seats ?

A.—Yes.

Q.—There are only 9 seats which are possible to be competed for by the Mahrattas and—in Bombay, which is a cosmopolitan city, containing

Parsis and other communities, and then there are for the Southern Division 6 seats, out of which at present 4 are carried by the Lingayats, who are generally credited with anti-Brahmin feelings ?

A.—Yes they are.

Q.—So that 11 to 15 are the seats at present carried by classes who are supposed to be anti-Brahmin, and the total number of seats for them is 21 plus 6—27. Fifteen they have already carried ?

A.—Yes.

Q.—In answer to the Chairman I believe you said that if the recommendations of the Lee Commission on the services in the Transferred Departments are carried, they will be completely Indianised ? Is it your object there to do away with Europeans, or not to put any restrictions against Indians ?

A.—In those departments if we find it necessary to have, say, some expert European officers, we shall have them.

Q.—You will give a chance to Indians first of all to be appointed to these services ?

A.—Yes.

Q.—And your main object is that these services should be amenable to the Legislative Councils and the Ministers ?

A.—Exactly.

Q.—That so many people should not be put over the heads of Ministers by an outside authority—that is your object ?

A.—Quite so.

Q.—To come to another point, on page 3 of your printed memorandum you talk about a certain literary qualification for electors. Is it to be an additional qualification which every elector should have or is to bring in other people who are not at present qualified.

A.—Not an additional qualification but a qualification in itself.

Q.—So that you will not take away the franchise from any people who are at present enfranchised ?

A.—No.

Q.—But you will in addition put on the electoral roll those people not come in at present ?

A.—Yes, those who may have a literary qualification.

Q.—They may not pay rent or land revenue or things like that but they will still come in ?

A.—Exactly.

Q.—What is your object in this ?

A.—At present some people who are fairly educated understand national questions and are in fact quite competent to become voters, are excluded from the franchise because they do not possess the property qualification.

Q.—Why don't they possess it ? Do you think that one of the reasons for it is the joint family system ?

A.—It may be so in some cases but not in all cases. I know of some people to whom this factor of the joint family does not apply but who still do not enjoy the franchise.

Q.—Don't they pay a rent of Rs. 3 a month ?

A.—Not in the districts. For instance in the Nasik district there are some fairly educated people who do not pay more than Rs. 2 or 1-8.

Q.—What kind of literary qualification would you suggest ?

A.—Well, I would give the franchise to all those who have passed the vernacular school final examination, the 7th standard examination.

Q.—Well, do you think that would bring in a large number of new electors ?

A.—Not a very large number. .

Q.—What number of people at present pass the vernacular school final examination ?

A.—I don't know.

Q.—Will you take it from me that it is 4,000 to 5,000 every year, taking all the districts together.

(*Mr. Jinnah*).—*Q.*—Can you give us an illustration of a man who is an educated man but does not pay sufficient rent to come on the electoral roll ?

A.—Schoolmasters are fairly well educated men—those who have passed the 7th standard Mahratta examination I call educated men ; or take another instance, those who have passed the matriculation examination. I daresay there are some who have passed the examination who do not pay Rs 3 in rent or do not pay the necessary land revenue, and yet they are quite competent as voters.

(*Mr. Jinnah*)—*Q.*—Wouldn't they be a very very small number ?

A.—I do not think they are a very small number.

(*Mr. Jinnah*).—*Q.*—What would it be in the Bombay Presidency ?

A.—I don't know. but my point is whatever their number may be, why should they be excluded from the franchise.

Q.—It has been proposed to us by some witnesses that for election to the Legislative Council there should be a higher qualification.

A.—Do you mean for candidates ?

Q.—Yes. Have you thought of that subject ?

A.—I have thought about it and the only condition I would lay down, which is different from those which have already laid down is, I should raise the age limit of candidates to thirty and I would remove the residential qualification which obtains at present in some provinces. It obtains in my Presidency.

Q.—In your Presidency it has been to some slight extent removed. Formerly it was a district residential qualification, now it is a divisional residential qualification ?

A.—Well, contiguous residential qualification.

Q.—I believe you are wrong ; it is a divisional residential qualification. Anyway, what do you think of this principle of reservation of seats for the Mahratta and allied castes ?

A.—My view is this—the sooner it is abandoned the better.

Q.—And in regard to Muhammadans ?

A.—The present arrangement should continue. As regards the Sikhs also it should continue.

Q.—Official members you say should be debarred from voting on questions relating to Transferred Departments. Don't you think at present

Ministers have been making use of the official bloc to carry their proposal through or not to get defeated ?

A.—I think so.

Q.—Do you think if this official bloc is taken away from their hands they would very often be defeated ?

A.—They might find it necessary to be more amenable, more responsible to the opinion of the Council.

Q.—In your recommendations you complain in your printed memorandum that standing committees are not appointed. Have you any experience of these standing committees ?

A.—Not of any standing committee, but I am a member of the Finance Committee and the Public Accounts Committee of Bombay.

Q.—Do you think these standing committees should be committees only of the Legislative Council ?

A.—I think so—confined to members of the Legislative Council.

Q.—And not contain both members of the Legislative Council and outsiders ?

A.—No.

Q.—You have heard of the Advisory Committee on Industries in Bombay ?

A.—It may be—I don't know.

Q.—Take for instance the Department of Industries—do you think you would be able to get a good Advisory Committee if the members were confined only to members of Council ?

A.—Certainly.

Q.—How many industrial members are there in the Council ?

A.—I think four or five people represent industries. For instance, I may mention Mr. Wadia who represents Industry.

Q.—One member represents the Millowners in Bombay and another, Mr. Patel, represents the Millowners of Ahmednagar ?

A.—Yes.

(Sir Arthur Froom).—Q.—Which Mr. Wadia is this ?

A.—Mr. C. N. Wadia. Then there is another gentleman connected with the banking industry,—I forget his name.

(Mr. Jinnah).—Q.—Mr. Lalji is another ?

A.—Yes.

Q.—So you think these standing committees should be entirely recruited from the members of the Legislative Council ?

A.—Yes.

Q.—Don't you think if there are these standing committees it will be a way for the Minister to evade his responsibility ?

A.—I don't think so.

Q.—You say that in your presidency an Education Board and a Local Government department have not been constituted. Do you know that in other provinces these boards and departments do not contain only members of the Legislative Council ?

A.—If that is so I should object to it. I would not like it.

Q.—So you want to concentrate all power in the hands of members of the Legislative Council ?

A.—All power that is allowed to them under the constitution.

Q.—These standing committees as well education boards and local government boards will be only advisory ?

A.—Only advisory.

Q.—Well, do you think on all these committees competent members of the Legislative Council could be obtained ?

A.—A fair number.

Q.—Take for instance, the Education Board. How many people, who are educationists, are there in the Bombay Legislative Council ?

A.—What do you mean by educationists ?

Q.—I mean those who have some practical acquaintance with the management of educational institutions. After all the Education Board has to be an expert board.

A.—I wouldn't call a man who is concerned with the management of any educational institution—I wouldn't say, that he alone is an educationist. A man may be an educationist and yet he may not be connected with any educational institution.

Q.—At any rate on such a board it is desirable to have someone with practical acquaintance with education.

A.—I quite agree but if it is not possible to have them it doesn't matter.

Q.—So you would like to have on the Education Board possibly everybody unacquainted with education, and you would be content with such a possibility ?

A.—If no education experts could be had from among the members of the Council, I wouldn't mind ; but if we could have such educational experts from among the members themselves, so much the better.

Q.—Now in your typewritten memorandum you talk of a certain recommendation from the members of the I. C. S. in the Central Provinces Could you quote the extract which you promised to quote ?

A.—Yes, I have got the book with me.

(On the suggestion of the Chairman, it was agreed to circulate the book among the members of the Committee, instead of witness reading it out).

This is a book the title of which is "The Future Government of India and the Indian Civil Service": Papers edited by Ernest Barker, M.A. Certain members of the Indian Civil Service in the C. P. wanted to send some memoranda to the Secretary of State. It appears they were not allowed to do so. Then later on they sent those memoranda, those papers to Mr. Barker who was their College Professor with the request that I might make any use of them which he thought proper and if he at a thought proper. Mr. Barker then published the book in which he refers to those memoranda and in chapter 6 he particularly refers to the views expressed on the subject of the transfer of the departments of law and justice.

(*Mr Jinnah*).—*Q.*—And do you agree with that view.

A.—I agree with it.

Sir Arthur Froom.—*Q.*—Has Mr. Barker ever been in India ?

Q.—On page 5 of your supplementary memorandum you say that self-government is not a matter which should be experimented with I do not wish to read the whole paragraph but I gather that you are of opinion that the people should be judged fit to have self-government or not to have self-government at all.

A.—Yes.

Q.—You adhere to that opinion ? Do you think the history of nations bears out that opinion Take for instance the history of England. Self-government in England grew up gradually over a large period of years ?

A.—You mean the extension of the franchise ?

Q.—I mean that years and years ago England used to be very autocratic it was only gradually they introduced self-government.

A.—But I do not think the English people ever thought themselves unfit for self-government.

Q.—In fact, you take this view, that a man who could not swim is to be thrown into deep water left to try and learn to swim by himself or to sink, instead of being taught gradually to swim.

A.—These analogies are misleading. They only express half truths, not whole truths.

Q.—You say that there may be some sort of intermediate stage till the education of the people of the province of Bombay.

A.—I have said that there can be only one intermediary stage and it is that in the first place all the provincial subjects should be transferred and later on all central subjects.

Q.—You call immediate transfer of all provincial subjects an intermediary stage ?

A.—All provincial subjects should be transferred to popular control.

Q.—I won't call it an intermediary stage. I would call that very drastic straight away.

A.—I call it an intermediate stage.

Q.—I take it from pages 7 and 8 of your second memorandum that on general principle you are against communal representation.

A.—Not so far the Muhammadans and Sikhs are concerned. I object to the reservation of seats for the Mahrattas. On the contrary, I have said in my second memorandum, in the last but one paragraph, that the present arrangements about the communal representation of Muhammadans and Sikhs should not be upset.

Q.—You make those two exceptions ?

A.—It will take a long time to express my view on the subject. In principle I do not approve of communal representation.

Q.—You say you don't like it in connection with local self-governing bodies.

A.—No.

Q.—What self-governing bodies have you got in your mind ?

A.—Municipalities, District and Local Boards, Taluk Boards and other self-governing bodies.

Q.—Will you call the Port Trust in Bombay a local self-governing

Q.—Will you say that members of the Port Trust should be elected at a general election ?

A.—I must frankly admit that I have not studied the subject with reference to the Port Trust.

Q.—You are against dyarchy ?

A.—Yes.

Q.—Of course, you have a thorough understanding of dyarchy ?

A.—I hope so.

Q.—Were you a Member of the first Reformed Provincial Council ?

A.—No. I am a member now.

Q.—You think that all the members of the first Provincial Council of Bombay understood dyarchy ?

A.—Yes.

Q.—All of them ?

A.—It is so difficult to say whether all understood it.

Q.—You think they understood it in the way it should be applied under the Government of India Act ?

A.—Yes.

Q.—They were all thoroughly well-educated in the subject of dyarchy ?

A.—They were educated people.

Q.—Some of the witnesses we have had before us said that they did not understand it completely as it might be applied under the Government of India Act. Do you consider the electorate of Bombay understands dyarchy ?

A.—Yes.

Q.—All ?

A.—I cannot put my finger upon each and every elector and say that he understands it.

Q.—You think they understand it ?

A.—Yes.

Q.—You do not think that it is a term which sounds rather dreadful. It is a dreadful sort of word and so they say they don't like it ?

A.—It used to sound very dreadful at the beginning.

Q.—It almost sounds something like anarchy. I am very glad that your opinion, of the Presidency of Bombay, in which I live, is that the electorate is so high that they understand dyarchy. I have been in the Bombay Presidency for a long time and I did not know that they were so advanced as that. In answer to a question from Mr. Jinnah you objected to the Executive Members of the Government of Bombay. You said that they had a very bureaucratic view and that their angle of vision was bureaucratic ?

A.—I said something like that. I do not remember exactly what I said.

Q.—And that the Minister's angle of vision would not be bureaucratic ?

A.—It will be more popular.

Q.—You said they will have a different angle of vision ?

A.—Yes.

Q.—One witness we have had before us—an *ex*-Minister—to my mind held most advanced bureaucratic views.

A.—I do not think so.

Q.—The reason for my asking this question is this. You said that you should do away with the Executive Members altogether and have all Ministers. I put it to you that the members of the whole of your Provincial Council are not likely to be as clever as the Ministers. The whole of the Members of the Bombay Provincial Legislative Council would be unlikely to be as clever as the Ministers.

A.—That depends upon the men who are appointed as Ministers. Some Ministers may not be clever at all. It is not always the clever men that are appointed as Ministers.

Q.—Quite so. What I am trying to bring home to you is this. Supposing they were Ministers in Bombay. When they have been working for some time, they might easily be liable to the charge of being bureaucratic. You don't think so?

A.—Not unless they have shown a tendency to be bureaucratic.

Q.—In your printed memorandum—I was very interested to see it—you suggest changes in the present constitution which might be effected without contravening the structure, policy and purpose of the Government of India Act.

A.—Yes.

Q.—When making those suggestions had you in your mind that it would be unreasonable to change the Government of India Act when it has been in existence only for so short a time?

* *A.*—No. I interpreted the terms of reference to this Committee in such a way that my opinion was that they precluded the Committee from making any recommendations for overhauling or modifying the Act itself.

Q.—You thought that this Committee cannot upset the structure and policy of the Act.

A.—Yes.

Q.—But they can make recommendations to amend the Act?

A.—Yes. I tried to confine myself as far as possible to changes which can be introduced without amending the Act.

Q.—In your heart of hearts did you think that it would be unreasonable for this Committee to suggest to the Government after only such a short time that this Act should be scrapped?

A.—That is not my opinion.

Q.—You think it ought to be scrapped?

A.—It should be revised; it should be amended. I would not use the word "scrapped altogether". I said that it should be amended.

Q.—You think that the present constitution has had a fair trial in the short space of three or four years?

A.—Enough trial.

Q.—Quite enough?

A.—Such trial as it deserves.

Q.—You would not like to go on for 10 years?

Q.—You think 10 years is a very long time ?

A.—Yes.

Q.—It is in your life and in my life. But I don't think that ten years is a very long time in the history of a country or of an Empire.

A.—It is a very long time. 10 years is a long time, particularly in the present condition of India and the stage at which India has arrived.

Q.—I do not think 10 years is a long time.

A.—I think it is.

(*Sir Sivaswami Aiyer*)—**Q.**—You did not like the analogy put by my friend. Suppose I put to you the analogy in a different way. A man is asked to learn to swim with one hand and one leg tied. Do you think that the experiment, before he is allowed to use the other hand and foot, would be a success ?

A.—It cannot be a success.

(*Sir Sivaswami Aiyer*).—**Q.**—That analogy is quite acceptable to you ?

A.—Yes.

Q.—I do not think I can accept this analogy. I do not think any man would ask a man to learn to swim in that way. He won't be a practical man. I think my analogy is a practical one.

Sir Sivaswamy Aiyer—**Q.**—Do you think it is easy to separate the subjects between Reserved and Transferred Departments in a clear cut way ?

A.—It is very difficult to do so.

Q.—It is almost impossible ?

A.—Impossible.

Q.—You refer in your printed memorandum to the first formula in the Montagu-Chelmsford report. Will you please refer me to it ?

A.—This is the formula. (Reads) "There should be, as far as possible, complete popular control in local bodies and the largest possible independence of outside control."

Q.—Do you understand that formula to mean that there should be no interference with any local body, however grossly it may misconduct itself ?

A.—I do not understand it in that sense. If the mismanagement is very gross, the Minister should have the power of intervening.

Q.—And sometimes even take drastic measures ?

A.—Yes, if they are absolutely necessary—if there is no other alternative.

Q.—There have been such cases in your Presidency, I presume ?

A.—Yes, but I do not think that they were fit cases.

Q.—You do not agree as regards particular cases, but you are not against the principle of interference where there is gross misconduct ?

A.—No.

Q.—With regard to the age qualification for candidates, you say you would like it to be 30.

A.—Yes.

Q.—Are there many instances of youngest below 30 in your Legislative Council ?

A.—I know of at least one My friend Mr Shinde who was here with Mr Surve is about 25 or 26 years old. He is a member.

Q.—How many such men are there ?

A.—Not many

Q.—Is it worth while introducing any such qualification ?

A.—I should not like youngsters below 30 to be Members of the Council

Q.—Is it a practical proposal ?

A.—It is practical proposal If it is laid down in the rule, why should it not be practical ?

Q.—Is it worth while introducing any safeguard against such a contingency when, as a matter of fact, you find very few people below 30 getting in ?

A.—They might be very few, but I should like to raise the limit to 30

(Sir Muhammad Shafi).—Q.—Would you exclude that friend of yours from the Council ?

A.—If it is laid down in the rules, he will necessarily be excluded. I won't exclude him The rule would exclude him. The constitution will exclude him

(The Maharaja of Burdwan) —Q.—Is it not a fact that in the British Parliament in the House of Commons,—the age limit is 21 ?

A.—It may be, but I do not approve of it.

(Mr. Chairman) —Q.—You like old men ?

A.—I like old men and mature young men

(Mr. Chairman) —Q.—You like elderly men ?

A.—30 is not elderly I do not want them to be quite youngsters.

(Sir Muhammad Shafi).—Q.—You consider that the work done by Members of the Provincial Legislative Councils in India more difficult and more responsible than that done by Members of the House of Commons in England ?

A.—I do not understand how that question arises

(Sir Muhammad Shafi).—Q.—Because there 21 is the limit and you want to raise it to 30 here ?

A.—It is a question which students of constitution naturally like to study I hold that view as a student of constitution.

Q.—You claim a share of the income-tax for Bombay.

A.—Yes.

Q.—As a matter of fact, you do get something under the Meston award.

A.—Very little—practically nil for the last year.

Q.—How do you propose to provide for the deficit in the Central Government ? Have you any solution ?

A.—The solution should be some drastic measures. There must be further Indianisation of the services. I think that the military expenditure ought to be cut.

Q.—You mean by retrenchment ?

A.—By retrenchment and the like.

Q.—You are willing to have further taxation for the benefit of the central government?

A.—If it is found after enquiry that further taxation should be imposed and at the same time if care is taken to see that that taxation does not press upon the poor people.

Q.—You said with regard to the services that if they were transferred they could be completely Indianised. You said that in answer to the Chairman Is that a necessary consequence of transfer?

A.—Not a necessary consequence Not an inevitable consequence.

(*Mr. Chairman*).—I think I modified that—I said generally Indianised.

A.—I said almost completely.

Q.—You say that the franchise should be so widened as to include those who possess a certain literary qualification. What exactly is your idea?

A.—I have explained that in reply to a question by Dr Paranjpye.

Q.—Does it mean those who possess a literary qualification, but who are without a penny?

A.—Yes, this should be a qualification by itself. Not without a penny but without the property qualification They may have many pennies, but not the proper property qualification.

Q.—But as a matter of fact do you think that the number of people who possess the literary qualification but who have no property qualification at all is likely to be extremely small?

A.—Well, whatever the number may be, I object to their exclusion. I think that if there is one single man who deserves to have a vote he should have that vote, and he should not be excluded.

Q.—And would the possession of literary qualification, without any means whatever, tend to give a sense of responsibility?

A.—It does not mean that. That only means he has means but he does not satisfy the requisite property qualification. For instance, take the schoolmasters. They have means.

Q.—What is the property qualification you would like him to possess? Take the case of a man who has got your literary qualification. What further property qualification would you like him to have?

A.—With regard to those who possess the minimum literary qualification I do not insist upon any property qualification at all.

Q.—Even if he is a pauper you would let him have it?

A.—Yes. But he is not likely to be a pauper.

Q.—If he is not likely to be a pauper is not your object likely to be met by merely lowering the franchise?

A.—Not in all cases. If you lower the franchise to this extent as to make it in fact one man one vote then my object will be gained.

Q.—To what limit would you lower the franchise?

A.—Ultimately to one man one vote.

Q.—But I am asking you in the immediate future?

A.—As I said yesterday, if even to-day adult franchise is intro-

Q—You mean manhood franchise and universal suffrage ?

A.—Manhood suffrage as well as womanhood suffrage.

(*Mr. Jinnah*).—*Q*.—We do not want what you won't mind, and what you would not object to. But what is the practical suggestion that you want to make in regard to the immediate future ?

A.—My practical suggestion is this. So far as the Bombay Presidency is concerned, in the immediate future I would like to reduce the franchise for voters in urban constituencies other than Bombay and Karachi cities.

(*Mr. Jinnah*)—*Q*.—You mean for the Provincial Council ?

A.—Yes. From Rs 36 as rental value per year to Rs. 18.

(*Mr. Jinnah*).—*Q*.—That is in your memorandum ?

A.—Yes.

(*Mr. Jinnah*).—*Q*.—I may tell you that in Madras the Franchise is Rs 10

A.—But that is not the case in the Bombay Presidency.

(*Mr. Jinnah*).—*Q*.—The extension of the Madras limit would satisfy you ?

A.—Yes. Then Rs 32 in the case of those who pay assessments.

(*Mr. Jinnah*).—*Q*.—In Madras it is Rs. 3 municipal franchise and Rs. 10.

A.—In Bombay it is Rs. 32. That should be lowered to Rs. 16.

Sir Henry Moncrieff Smith.—*Q*.—You say in your original memorandum " Official members should be debarred from voting on question relating to Transferred Departments." You do not suggest that the official members should be abolished altogether ?

A.—No.

Q.—I want to ask you only one other question. Towards the end of your supplementary memorandum you make some suggestion with regard to the Central Government. You say, " The majority of members of the Governor General's Executive Council should be Indians. They should be chosen from among a panel of ten members elected from among themselves by the elected members of the Legislative Assembly and the Council of State. They must resign in case a vote of ' no confidence ' is passed against them by the Legislative Assembly." In what respects does that scheme for the Central Government differ from dyarchy in the provincial Governments ?

A.—This is not dyarchy as I understand it. There is no division of subjects into transferred and reserved subjects I do not suggest that.

Q.—But you have half of your Government in a way, though not in the letter, yet in the spirit, responsible to the Legislature—they have got to resign.

A.—If a vote of no confidence is passed.

(*Mr. Jinnah*).—*Q*.—He says majority, and not half.

Q.—You do not think that a proposal like that would be " against human nature " ?

A.—No. Otherwise, I would not have made it.

Q.—This suggestion of yours that more than half the members of the Executive Council should be selected from an elected panel—do you base

A.—I am not aware of any precedent.

Q.—But do you think that it will be suitable for India ?

A.—This is suggested simply as a transitory arrangement but I have stated later on that the question cannot be solved except by full responsible government. I have said, "These, however, are palliatives or temporary arrangements until the Act itself is amended. The problem itself cannot be solved except by the establishment of full or almost full responsible Government."

Q.—But you do not think that it will be safer to base your constitution here even though it is a transitory one, on some existing precedent ?

A.—If a better one can be suggested based on some precedent I would prefer that to mine.

(*Mr. Jinnah*)—This proposal that you have made with regard to the Central Government—do I understand that you made it on the footing that it was not open to the Committee to recommend an amendment of the constitution ?

A.—Yes, that is so , in fact, almost the whole of my memorandum is based on that.

(*Mr. Chairman*).—We understand that.

Q.—Do you say that Parliament is not entitled to ask for any positive evidence of fitness of India for grant of full responsible government ?

A.—Not only that. What I say is that unless the Indian people themselves accept the estimate formed about their fitness by the British people or the British Government, they cannot be reconciled to dyarchy and dyarchy cannot work satisfactorily. That is the premise on which dyarchy is based. A certain estimate of Indian fitness is made by the British people and the British Government and the Indian people are asked to accept it without demur.

Q.—I do not quite follow. You say that India must say what degree of fitness it has reached for responsible government and having said that, the Parliament and the British people should accept India's own estimate ?

A.—We, Indians, think ourselves to be fit for self-government, but the British people have certain ideas about our fitness and dyarchy is based on those ideas. Unless we are prepared to accept those ideas it is not possible to work satisfactorily.

(*Mr. Jinnah*).—Q.—Are you prepared to accept those ideas ?

A.—Certainly not.

(*Mr. Chairman*).—Q.—You wish to be the judge of your own fitness ?

A.—We are the best judges of our own fitness.

Q.—In fact you regard it as an insult to India that anybody outside should attempt to decide for India ?

A.—I would not use such a strong word as insult.

Q.—It is an unpleasant implication ?

A.—Others are perfectly entitled to judge of our fitness just as we are entitled to judge of the national character of the English people. Every nation is entitled to judge of every other nation, but it does not follow from that that every nation will accept the estimate formed by any other nation of the qualities possessed by that nation.

(*Mr. Jinnah*)—Q.—You believe in the principle of self-determination?

A.—Yes. I believe in it absolutely.

(*Mr. Chairman*)—Q.—For everybody, for all races, for all people?

A.—Ultimately for everybody.

(*Mr. Chairman*)—Q.—But you cannot have it ultimately. You believe in it for all civilised people?

A.—Yes.

(*Mr. Chairman*)—Q.—Civilised and uncivilised?

A.—Ultimately even for all savage people.

(*A Member*)—Q.—When they get civilised?

A.—Yes. Even people in Africa should have self-government in the fulness of time.

Maharaja of Burdwan—What has been your practical experience about dyarchy in your province?

A.—It is a failure.

Q.—That is the parrot cry all over the country at the present moment. But I want to know what has been your practical experience of dyarchy in your own presidency?

A.—My practical experience of the working of dyarchy is of course, very brief. I have not been a member of Government. I am only a new member of the Legislative Council. My experience of the working of the Legislative Council has lasted only for about eight months, but even during that period my impression is that it is not working satisfactorily. I will tell you one reason what leads me to think so. The Ministers do not think themselves to be responsible to the Legislative Council and moreover when questions arise which are in consonance with popular opinion but which are against the view of the Government as a whole, the Ministers do not take the popular view even though they may agree with the popular view—they leave aside the popular view and accept the view of the Government as a whole.

Q.—In other words you think that the Ministers ignore the very body from which they have come or they have gone into the Government and they are always in funk regarding the executive. Is that what you mean?

A.—The very conditions are such that they rather side with the official view even though they themselves do not accept or agree with the official

Q.—In other words you think when they get into the official circle they go round and round ?

A.—May I illustrate it ? Take the case of prohibition which recently came up in the Bombay Legislative Council.

Q.—Prohibition of what ?

A.—The policy of prohibition of liquor. A certain resolution was brought forward recommending that prohibition should be introduced in the Bombay Presidency in 10 years. That was the popular view, the view of the majority of the council. But from the manner in which that resolution was dealt with by the Ministers, particularly the Minister in charge of the Excise Department, the impression conveyed was that he was not making himself amenable to the opinion of the Legislative Council.

Q.—Probably the Minister himself was not for dry Bombay. He might have had a weakness ?

A.—I do not think so. In the very first speech that he made as a minister during the discussion of the budget, he declared himself that he belonged to that community which stood for prohibition.

Q.—In theory ? Not in practice ?

A.—He belongs to the Islamic community and he said that Islamic community always stood for prohibition, absolute prohibition.

Q.—You mentioned that you had no Standing Committees, because there is nothing in the statute about Standing Committees, but am I to understand that in your Legislative Council there are no Standing Committees ?

A.—No Standing Committees such as are recommended by the Joint Parliamentary Committee.

Q.—In other provinces there are Standing Committees, and I understood from you, I think in reply to a question from my friend Dr Paranjpye, to say that you would only have members of the Legislative Council on the Standing Committee ?

A.—Yes.

Q.—Have you heard from anyone with practical experience of the working of Standing Committees in other provinces ?

A.—No.

Q.—Your contention is that because the Joint Parliamentary Committee discussed that and recommended that, you would like it to be tried in your Presidency ?

A.—Yes.

The President then thanked the witness who then withdrew.

Saturday, the 20th August, 1924.

Witness :—Mr. M. Barkat Ali, on behalf of the Punjab Provincial Moslem League.

EXAMINED BY THE CHAIRMAN.

Q.—You have set out in the Memorandum, Mr. Barkat Ali, your own views and you are also to give evidence on behalf of the Punjab Provincial Moslem League ?

A.—Yes.

Q.—But I notice there is no difference between the two memoranda, your own and that of the Moslem League, except that the Moslem League have added paragraph 4. Is that so ? Your personal memorandum contains 3 paragraphs and the one submitted on behalf of the League contains 4 paragraphs. Is that so ?

A.—Yes.

Q.—Will you tell us about your League ?

A.—The Provincial Moslem League is a branch of the All-India Moslem League and is the most representative political institution of the Punjab Muhammadans.

Q.—Where is its head-quarters ?

A.—Its headquarters is at Lahore.

Q.—Has it got any corporate existence ?

A.—In the sense of registration ?

Q.—Yes.

A.—No.

Q.—Have you got a register of members ?

A.—Yes.

Q.—Have you got any subscriptions ?

A.—Yes, we have got subscriptions ; I believe about Rs. 5.

Q.—Do you publish any balance sheet ?

A.—Things have not come to that. We just carry on.

Q.—How many members have you got roughly ?

A.—At present there are between 400 and 500 members.

Q.—All Muhammadans ?

A.—Yes.

Q.—That is the qualification ?

A.—Yes ; undoubtedly only Muhammadans can become members.

Q.—Who is your President ?

A.—Mr Mian Abdul Aziz, Bar-at-Law, who is a member of the Legislative Council.

Q.—And what is your governing body ?

A.—We have a council consisting of something like 75 members.

Q.—But you must have a smaller executive body ?

A.—Originally we had a smaller body, but in obedience to the constitution of the All-India Moslem League, the strength of the council was raised to 75, so as to admit of full representation of the mofussil.

Q.—What is your executive body ? You cannot work it with 75 members ?

A.—The executive body is the council and the strength of the council is 75. It has only lately been raised ; formerly it was something like 32.

(*Sir Muhammad Shafi.*)—*Q.*—The council represents the whole province ?

A.—Yes.

Q.—Have you a paid Secretary ?

A.—We have an Honorary Secretary ; all along we have had an Honorary Secretary.

Q.—You are a political association ?

A.—Yes.

Q.—And you definitely put forward the Muhammadan view ?

A.—Yes.

Q.—Do you do any propaganda ?

A.—We hold a provincial conference.

Q.—During the last election did you do any propaganda ?

A.—There was not a very organised propaganda, but there was some propaganda.

Q.—How many members of your association are members of any legislative body ?

A.—I believe a very large number of the members of the Legislative Council are members of our body, and most of the members returned to the Legislative Assembly are our members.

Q.—Were they put forward by you as a political association or did they join you ?

A.—Some of these candidates were run as provincial league candidates in opposition to Khilafat.

Q.—Did you select candidates ?

A.—Yes, we did select candidates.

Q.—How many—can you remember roughly ?

A.—So far as the province is concerned, we selected something like 20 candidates.

Q.—That was done at a general meeting ?

A.—Yes.

Q.—And you issued posters, etc. ?

A.—Through the press.

Q.—Not personally ?

A.—Not directly.

Q.—What is your position in the league ?

A.—I am the vice-president and also a member of the council.

Q.—Are you a member of any of these legislative bodies ?

A.—No.

Q.—Were you ever a member of a legislative council ?

A.—No ; I stood for the Assembly.

Q.—Were you successful ?

A.—We had a Khilafat candidate and he got it.

Q.—What constituency was it ?

A.—East Central Punjab Muhammadans.

Q.—That is communal constituency ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q*—Who was your rival candidate ?

A—Mr. Saddiq Husain.

Q.—Is there any other Muhammadan association besides yours in the Punjab ?

A.—There is none, unless it be the Khilafat organisation ?

Q—Is that an association ?

A.—They are doing more and more political work now.

Q—That is a political association ?

A.—Yes.

Q.—Your rival was not put forward by that association ?

A.—He was put forward by the Khilafat Association definitely.

Q.—Who was the sitting member ?

A—The sitting member was Chaudhri Shahabuddin

(*Mr. Jinnah*).—*Q*.—Do I understand that the Khilafat organisation in the Punjab actually put forward candidates for the elections to the various legislatures ?

A.—They did. Though openly they said they had nothing to do but really they did put forward candidates and some of the strongest Khilafat workers actually canvassed.

(*Mr. Jinnah*)—*Q*—I do not mean what they did actually. Did they put forward candidates officially.

A.—To my mind that made no difference. Officially they said they had nothing to do, but practically they did.

(*Mr. Jinnah*)—*Q*—In other words they helped candidates ?

A—Some Khilafat workers in my province actually canvassed for candidates

Q—They supported their own candidates ?

A.—Yes.

Q.—How many votes did you get ? Do you remember ?

A.—I got something like 300 votes

Q.—And the candidate who was returned got 700 ?

A.—He got something like 1100 votes

Q.—My Honourable colleague would put you most of the questions, but I would just like to ask you one or two things. Will you turn to paragraph 4 ? You put forward propositions (a), (b), (c), (d) and (e). Are these mutually essential ?

A.—That is the position of the League.

Q—They are mutually essential ?

A.—Yes.

Q.—What I mean is that you will not accept your scheme if any one of those 5 conditions are not satisfied ?

A.—Unless it be in regard to (e). (a) to (d) are essential and we should have some safeguard on the lines of (d).

Q—Let me have it quite clear. (a) to (d) are absolutely essential.

Unless you

A.—We do not want joint electorates.

Q.—Communal electorate ?

A.—Separate electorate

Q.—Unless you have separate electorate, unless you have full religious liberty and unless you have the guarantee that the Moslem majority is maintained in the Punjab, Bengal and the North-West Frontier Province, you do not want (a) ?

(Sir Sivaswamy Aiyer) —Q.—You do not want (a), (b) and (c) ?

A.—(b), (c) and (d) are closely interwoven with (a). (a) (b), (c) and (d) stand together.

(At this stage Sir Muhammad Shafi took the chair).

Sir Muhammad Shafi.—Q.—The whole scheme is one scheme ?

A.—Yes, one scheme.

Q.—I want to put to you a few questions about the Hindu-Muhammadan situation in the Punjab. The majority of the population in the Punjab are agriculturists. Are they not ?

A.—Undoubtedly.

Q.—About 90 per cent of the population in the Punjab live on agriculture directly or indirectly ?

A.—Yes.

Q.—Now, is there any Hindu-Muhammadan racial bitterness or feeling in rural areas ?

A.—Nothing of the kind.

Q.—Because the interests of the Hindu and Muhammadan population in the agricultural portion of the Punjab are common ?

A.—Yes, identical.

Q.—They have common interests ?

A.—Yes.

Q.—Now I come to the urban areas. You know that in the Punjab the number of towns exceeding 20,000 in population is very small ?

A.—Yes. There are only a few large towns in the Punjab.

Q.—In fact, the majority of municipal towns in the Punjab are really large villages ?

A.—Quite.

Q.—In the smaller towns, is there any bitterness of feelings between the Hindus and the Muhammadans ?

A.—Not much.

Q.—So that this acute phase of communal feeling which is talked of so much exists mainly in the bigger towns in the Punjab ?

A.—In the larger towns of the Punjab.

Q.—Like Multan, Lahore and Amritsar ?

A.—You may add to these Rawalpindi also.

Q.—Speaking generally, the Hindu-Muhammadan differences in these larger towns are mainly confined to the educated classes ?

A.—That is true. But the non-educated people of these urban areas do follow the educated classes.

Q.—And this fight is confined to those who depend on service for their maintenance. In other words, it is a fight for loaves and fishes ?

A.—Quite so. That is the prominent feature of these big areas.

Q.—Turning to the causes of this state of things : Is it not a fact that when the knowledge of English was made a *sine qua non* for entry into service, it was our Hindu brethren who first took to English education in the Punjab ?

A.—I believe one might say that the Hindus took to English education earlier than the Muhammadans all over India.

Q.—Because of their wonderful capacity of adaptation to the changing conditions ?

A.—Quite

Q.—The Muhammadans turned their attention to this necessity many years after the Hindus had started the acquiring of this knowledge ?

A.—Quite so.

Q.—The Muhammadan education was mainly due to the movement started in Northern India by the late Sir Syed Ahmad Khan towards the nineties of the last century ?

A.—Yes between 1885 and 1890.

Q.—It was somewhere near 1886 that he started the educational movement ?

A.—Yes.

Q.—It was mainly in the Punjab that this movement became really successful ?

A.—This movement was not so very successful in other provinces as in the Punjab, so much so that Sir Syed himself used to call the Punjab Muslims as “ Zinda Dilan-i-Punjab ”, the living hearts of the Punjab.

Q.—That was the title given by Sir Syed to the Muhammadans of the Punjab ?

A.—Yes.

Q.—As a result of that movement the Anjuman-i-Himayat-i-Islam of Lahore made great efforts towards the advancement of Muhammadan education ?

A.—Sir Syed’s movement gave a great fillip to the activities of the Anjuman-i-Himayat-i-Islam

Q.—And the Anjuman started an Islamiya College in Lahore ?

A.—Yes.

Q.—How many High Schools has the Anjuman in Lahore at the present time ?

A.—Three.

Q.—And there are High Schools at the headquarters of almost every district in the Punjab in which there is a considerable portion of Muhammadan population ?

A.—Quite so.

Q.—And a very large number of Muslim primary schools all over the province ?

A.—Yes.

Q.—These are in addition to Government schools ?

A.—Yes.

Q.—By the time that this Muhammadan awakening took place, is it not a fact that in the Punjab practically all appointments in the various services open to Indians had been occupied by our Hindu brethren ?

A.—It is a fact.

Q.—And after having acquired education, the Muhammadans naturally desired to have their share in the various administrative services ?

A.—Quite.

Q.—It was then a fight between the vested interests and those who aspired to get their due share ?

A.—That is the real analysis of the situation

(*Mr. Jinnah*).—*Q.*—How do you propose to put an end to this fight ?

A.—I think it is a temporary phase. It will disappear with better sense.

Q.—This fight is limited to the circles who live on service for their maintenance ?

A.—Yes. There are people of both communities who realise that this squabble for loaves and fishes is really not a very dignified one and that it would be better if a fair and reasonable adjustment is come to between the two parties. I think the solution of this trouble is only a matter of time now.

Q.—Let us now turn to another cause. As a result of the operation of the money-lending classes in the Punjab, is it not a fact that towards the end of the last century the expropriation of agricultural classes had become a political danger in the province ?

A.—Quite so and this led to the introduction by Mr. Thorburn of the Land Alienation Bill.

Q.—And it so happens that the majority of the agriculturists in the province are Muhammadans ?

A.—The majority, of course, is of Muhammadans. Then come Sikhs and then Hindus.

Q.—Now please try and fix your mind to the period when the Punjab Land Alienation Act was passed. Was there any separate Hindu agricultural organisation then ?

A.—None.

Q.—There was no separate Sikh agricultural organisation at that time to protect their interests ?

A.—No.

Q.—The only agricultural section of the population who were vocal were Muhammadans ?

A.—Yes.

Q.—They had a press ?

A.—Yes.

Q.—And they had their various Anjumans at that time ?

A.—Yes.

Q.—The result was that the Muhammadan press and the Muhammadan Anjumans supported the Punjab Land Alienation Bill ?

—Quite so.

Q.—While the Hindu urban press and the Hindu urban associations, who were in support of the money-lending classes, opposed it ?

A.—The remedy in the shape of this Land Alienation Act was actually suggested by the officials of the day, Mr Thorburn, and other important officials, who saw in the increasing expropriation of the landowning classes of the province a political menace of great magnitude. The Muhammadians and the Sikhs were in favour of that Act but there was certainly a distinct opposition to that policy on the part of the money-lending classes.

(*Mr. Jinnah*) —*Q*.—Was there any section of the Hindus that supported that measure ?

A.—No, the Hindus did not support it because they are not really an agricultural community.

Q.—But the Hindu agriculturists supported that measure and so did the Sikhs ?

A.—Yes, certainly.

Q.—So that unfortunately, merely by accident, the controversy became a Hindu-Muhammadian controversy ?

A.—Quite so.

Q.—Because the members of one section were supporting that measure and the members of the other section were opposing it ?

A.—As a matter of fact, whenever there has been a proposal from the Hindu side for the repeal of the Land Alienation Act, the Sikhs and the Hindu agriculturists have always stood up in defence of that legislation. So that it is really not a Hindu-Muslim problem.

Q.—It was therefore really speaking an agricultural *versus* non-agricultural controversy and not Hindu and Muslim controversy at all ?

A.—Quite.

Q.—During the last three or four years another cause has been added and that is the *shuddi* movement, which has only recently been started by a certain gentleman ?

A.—Yes.

Q.—And unfortunately the *tabligh* movement started by the Muhammadians in reply to the *shuddi* movement ?

A.—Yes.

Q.—So far as the first cause is concerned, namely the appointments, that cause is common to the Punjab and the other provinces. That is not peculiar to the Punjab alone ?

A.—No.

Q.—So far as the last cause is concerned, namely the *shuddi* and the *tabligh* movements, that also is common to the Punjab and the neighbouring tracts ?

A.—Quite.

Q.—In connection with these two religious movements, unfortunately on certain occasions riots have taken place in two or three places in the Punjab ?

A—Not exactly due to those religious movements but as a result of the bitterness caused by those movements. There were some riots in Muzaffarabad and other places. We had no riot in Lahore. There was some trouble in Lahore but it was a small one. It was certainly not of the kind that they had in the United Provinces.

Q.—No such disturbances have taken place in any rural areas?

A—None whatever.

Q.—Nor even in the headquarters of those districts which I have characterised as really large villages?

A—No.

Q.—So it is only in two or three of these bigger places that these unpleasant incidents have taken place?

A—Yes.

Q.—Similarly, in other provinces too?

A.—Yes. We have kept our heads better than our friends in the United Provinces in the matter of these riots.

Q.—Generally speaking is it not a fact that in educational advancement in social reform and in the awakening of political consciousness, Punjab is ahead of many other provinces?

A—I should think so. That is certainly my opinion.

Q.—Now, let us turn to the oft-debated question of communal electorates. I suppose you, as a member of the Muslim League, want responsible government for India?

A—Certainly.

Q.—Does the League want merely a responsible government or does it insist that that government must be a representative government also?

A—Responsible and representative government.

Q.—You will agree with me that territorial electorates are only one form of securing a representative government?

A—Yes, in the case of homogeneous communities.

Q.—In the case of a country inhabited by a number of communities such as India is, would territorial electorates alone secure representative government?

A—No. Other forms of representation must be devised to achieve that end.

Q.—Do you think that communal electorates are essential to a country in which political conditions, such as exist in India, prevail?

A—In the present condition of things they are the best solution of the problem.

Q.—Countries like Australia, South Africa and England, where territorial electorates prevail, are cases of homogeneous communities?

A—Yes.

Q.—Just for one moment consider the case of Ireland. Ireland in extent is smaller than most of our Provinces here?

A—Yes.

Q.—And yet the British Government have been obliged to split that small country into two and establish a government in the north and a government in the south. What is the main reason for this?

A.—Because Ulster wanted its separate existence safeguarded.

Q.—Because the conditions of Ireland are in some respect analogous to those obtaining in India and have necessitated the creation of two Parliaments, a Northern Parliament with Protestants in the majority, and a Southern Parliament with Catholics in the majority ?

A.—Quite so.

Q.—Do you remember the elections in the Punjab in 1909, for the first Minto-Morley Reformed Council ?

A.—Yes.

Q.—Before the introduction of the Minto-Morley Reforms there were only three Indian Members on the Punjab Legislative Council nominated by Government ?

A.—Three nominated members.

Q.—The elective element was introduced in the Punjab for the first time in 1909 ?

A.—Yes

Q.—And you remember the Province of the Punjab was divided into three municipal electoral groups, Eastern, Central and Western ?

A.—Quite so

Q.—Is it not a fact that originally a number of Hindu and Muhammadan candidates were nominated in each one of these groups ?

A.—Of course it is understood that there were no communal electorates then ; we had mixed electorates.

Q.—It was a case of election through mixed electorates ?

A.—Common electorates.

Q.—Is it not a fact that, to begin with, a number of Hindu and Muhammadan candidates were nominated to each constituency ?

A.—A large number in each constituency, Hindu and Muhammadan candidates.

Q.—Afterwards the contests in the three constituencies were confined to one Hindu and one Muhammadan candidate, all the other candidates withdrawing in favour of the two ?

A.—Ultimately it became a contest between one Hindu and one Muhammadan in each constituency, the rest retiring.

Q.—In the Western electoral group Rai Bahadur Hari Chand and Khan Bahadur Seth Adamji Moonji were the only two candidates in the field. In the Central group Rai Bahadur Ram Saran Das and Khan Bahadur Khwaja Yusuf Shah were the only two candidates ; and in the Eastern group Khwaja Yusuf Shah and Rai Bahadur (I forget his name for the moment) were the only two candidates ?

A.—Yes.

Q.—Is it or is not a fact that Mr. Harkishen Lal, as leader of the progressive Hindu party and the Punjab Hindu Sabha and all other Hindu organisations in the Punjab, helped the Hindu candidate in each one of these three constituencies ?

A.—They all worked to support the Hindu candidates.

Q.—Similarly all the Muslim organisations helped the Muhammadan candidates in the three constituencies ?

Q.—And the contest thus was no longer a contest between the candidates, but between two communities ?

A.—Yes.

Q.—That is the inevitable result in the existing condition of a mixed electorate ?

A.—Quite so and that led to a good deal of embitterment

Q.—And therefore they furnish a periodical recurring cause of friction ?

A.—I consider them a fruitful source of discord and disunion.

Q.—On the other hand communal electorates result in contests between Muhammadan and Muhammadan and Hindu and Hindu and the communal factor does not come in ?

A.—All factors are eliminated which cause these communal outbreaks.

Q.—Barring the matters of appointments and admissions to colleges, there is no other ground of difference between the communities ?

A.—I believe some Muhammadians who were returned on a separate ticket were some of the strongest Nationalists. I remember when Mr. Jinnah and Mr. Mazarul Haq and the Raja of Mahmudabad were returned on a separate ticket, and they were stalwart Nationalists of the day.

Q.—Let us turn to the actual conditions in the Punjab Council since the introduction of the Montagu-Chelmsford Reforms. The Montagu-Chelmsford Reforms for the first time introduced communal representation in the Punjab ?

A.—Quite so. . .

Q.—Now in the Punjab Council during the last four years, with the exception of resolutions and questions bearing on appointments or admission of students to colleges, is it not a fact that in regard to all other matters there has been promiscuous voting, and not voting on a communal basis ?

A.—There has not been any voting on communal lines. As a matter of fact the Ministers are supported by Hindu and Sikh colleagues. You have not a Hindu and a Muhammadian party there now.

(*Mr. Chairman*).—*Q.*—Where ?

A.—In our Council.

Q.—In your Budget debates in connection with the demands for grants, do you remember any instances in which there was voting on communal lines in the Punjab Council ?

A.—No.

Q.—You know the Punjab Legislative Council appointed a Retrenchment Committee in order to propose reductions of expenditure, and there were various resolutions moved and proposals put forward in connection with the recommendations of the Retrenchment Committee. Was there any voting on communal lines in connection with this ?

A.—No, on the contrary Mr. Muhammad Hussain and my friend Mr. Ganpat Rai worked together like anything.

Q.—In connection with the Village Panchayat Act, the District Boards Amendment Act, and the Municipal Amendment Act, measures which have been passed in the Punjab Legislative Council during the last four years, did the voting go on communal lines ?

A.—No, never.

Q.—Can you tell the Committee something about the relations between the first two Ministers under the Reforms Scheme, I mean Lala Harkishen Lal and Mr. Fazl-i-Hussain ?

A.—They were believed to be as cordial as any relations could be.

Q.—What was the general belief in the Punjab in political circles, whether they were working together or working on different lines ?

A.—As a matter of fact some members of the Hindu Sabha criticised Mr. Harkishen Lal as an ally of Mr. Fazl-i-Hussain.

Q.—Is it not a fact that Lala Harkishen Lal and Mr. Fazl-i-Hussain belonged to the same political party in Lahore ?

A.—They were both Congressmen, so much so that at the Provincial Conference held under the auspices of the Provincial Congress Committee, Mr. Fazl-i-Hussain was President of the Conference and Lala Harkishen Lal was Chairman of the Reception Committee. They were the two leading Congressmen of the Province.

Q.—Do you remember any occasion during the three years after the two were appointed Ministers on which Mr. Harkishen Lal ever expressed any difference of opinion with regard to Mr. Fazl-i-Hussain's policy ?

A.—Only recently, I do not remember the occasion, whether it was an interview with the Associated Press or with the *Tribune*, the public were told that Lala Harkishen Lal had objected to Mr. Fazl-i-Hussain's views.

(*Mr. Chairman*).—*Q.*—It was the first information to the public ?

A.—This was the first intimation to the public.

Q.—Is it not a fact that after the controversy in connection with the admission of students into colleges was started several times some of the Hindu papers criticised Lala Harkishen Lal for supporting Mr. Fazl-i-Hussain so much ?

A.—Quite so.

(*Mr. Jinnah*).—*Q.*—Have you got any authority for saying that he supported Mr. Fazl-i-Hussain in his policy and programme ?

A.—The fact that he did not resign. They were carrying on very well. I cannot conceive of a Minister who is diametrically opposed to the political views of his colleague carrying on so long.

(*Mr. Jinnah*).—*Q.*—That you infer because he did not resign ?

A.—Yes that is one factor, and because he supported Mr. Fazl-i-Hussain's legislation and policy in the Council ; he never opposed it.

(*Dr. Paranjpye*).—*Q.*—Did he speak in favour of it ?

A.—He always voted for it ; he may not have considered it necessary to make a speech.

Q.—Do you remember the Congress-League Pact of 1916 ?

A.—I was a party to that ; I was a member of that Committee.

Q.—What is the main objection put forward by the Muslim community at present against that Pact ?

A.—So far as the Punjab is concerned, it is felt that the 50 per cent of elected strength which was conceded to the Mussalmans in that Pact has not been given to the Punjab Muhammadans.

Q.—Will you tell us what is the number of Muhammadan elected members in the Council and what is the number of non-Muhammadan elected members in the Council ? I am confining myself to elected members only.

A.—Out of 71 elected members, 32 Mussalmans are returned on general electorates, 20 Hindus and 12 Sikhs. Then there is one Landlord Muslim special electorate, one Hindu Landlord and one Sikh Landlord. Then we have a special constituency of the Baluch zemindars, which is also Muhammadan, that returns one. This brings up the elected strength of the Muhammadans to 34 out of 71. And I have already stated that there are 20 Hindus returned by means of general electorates, one Hindu Landholder and one Industry seat and one University seat, that brings the number to 23 Hindu members.

(*Mr. Chairman*).—*Q.*—The Industry and the University seats are not confined to Hindus ?

A.—They are mixed and common electorates. So that we have 25 Hindus ; then we have 1 Sikh landholder, making the Sikh number 13. So that Hindus and Sikhs combined make 36, and there is one other seat that brings it to 37.

Q.—That is, although the Musselman community represent 55 per cent. of the Punjab it has as a matter of fact less than 50 per cent. representation in the elected seats of the Punjab Legislature ?

A.—That is the grievance of the Muhammadan community of the Punjab.

(*Mr. Jinnah*).—*Q.*—But, Mr. Barkat Ali, that is not the fault of the Hindus ?

A.—Yes, it is in a way. Anyhow, whether it is the fault of the Hindus or of the Government, that is the grievance which has got to be rectified.

(*Mr. Jinnah*).—*Q.*—Quite so, but it is the fault of the constitution.

(*Mr. Chairman*).—*Q.*—Not of the constitution but of the rules.

A.—Of the rules of course ; and I might also make it clear that the University seat may be taken as always earmarked for a Hindu : in view of the very large number of Hindu voters it is unthinkable that any Muhammadan will ever be returned.

Q.—And what is your second objection ?

A.—Since the Congress-League Pact came into operation the feeling has grown up that under the operation of that Pact the Muhammadan majority in the provinces, where the Muhammadans were in a majority, has been reduced to a minority, and the Hindu majority in provinces where the Hindus were in a majority has continued to be a majority, so that if we are to remain in a minority in those provinces where we are in a minority then the Muhammadan majority in those provinces where the

A.—I would refer to the Resolution passed in the League which has my fullest support, that in no instance should a community having majority be reduced to a position of minority or even equality. That is the formula which the League has enunciated in its deliberations.

Q.—There was I believe in the Congress-League Pact a condition?.....

A.—Yes, it is reproduced in clause (c) of paragraph 4 of my memorandum, i.e., "No bill or resolution or any part thereof affecting any community, etc., etc."

Q.—And His Majesty's Government in accepting the Congress-League Pact in the final settlement of this communal representation ignored this most important condition which formed part of the Congress-League Pact?

A.—They did not actually ignore it; they considered it and rejected it as it amounts to giving a veto to every community.

Q.—But as a matter of fact the Congress-League Pact was the result of mutual agreement between the two people and this condition was an essential condition of their pact?

A.—No doubt about that—an essential condition in that Pact agreed to by both communities.

Q.—And was it then right and just that while the Pact was accepted the condition which was essential to it was itself ignored or rejected?

A.—It should not have been rejected. Some safeguard on these lines should have been incorporated in the constitution.

Q.—One more question. Is the province of Sind in any manner connected with the remaining portion of the Bombay Presidency—ethnologically or otherwise?

A.—No.

Q.—It is really an entirely separate tract inhabited by people speaking an entirely different language and coming from an entirely different stock?

A.—Quite so.

Q.—Are you in favour of the creation of Sind into a separate province?

A.—Yes, it should be a separate administration.

Sir Arthur Froom.—Q.—I understand from what you told Sir Muhammad Shafi that you are strongly in favour of communal representation continuing in your province?

A.—In the present condition of things.

Q.—And therefore you are not in agreement with the view on that matter of an ex-Minister of your Province whose evidence you have probably seen?

A.—My own view is that it does not represent the better mind of the Hindu community. The better mind has accepted communal electorates even in our Province. There is one section of the Hindu community—the Hindu Sabha; he might represent their views but they were opposed to communal representation even before the Congress-League Pact and

Q.—Then responsible Hindus in your province are in favour of communal representation ?

A.—That is my belief.

Q.—Then Mr. Harkishen Lal must be a brilliant exception to the responsible members of the community ?

A.—Not a brilliant exception.

Q.—Well, a great exception. You would describe him as a responsible Hindu ?

A.—Those who are opposing communal electorates are known in my province as die-hards. You might catalogue him with the die-hards.

Q.—Then I think you told Sir Muhammad Shefi that such tension as existed in the Punjab between Muhammadans and Hindus existed in the bigger towns ?

A.—Quite so.

Q.—And that the agriculturists got on very well together—Hindus and Muhammadans ?

A.—Quite so.

Q.—And in the bigger towns may the Committee assume that it exists between the more educated classes ?

A.—It exists between those sections which are very keen on obtaining the loaves and fishes for their respective communities. In those sections alone.

Q.—Presuming that provincial autonomy was granted to the Punjab, don't you think that these dissensions between the Muhammadans and the Hindus might be aggravated ?

A.—I don't think so. I think every community will do its best to pull together with the others.

Q.—I don't say it will go on for all time. I am taking conditions as they exist at present in the Punjab and for the next few years.

A.—Perhaps conditions might improve.

Q.—You don't think they will be aggravated ?

A.—No.

Q.—You don't think there will be to a certain extent a competition for power between the two communities—the educated part of the two communities—if there were places of power going ?

A.—The collaboration of the Ministers in combination with the legislatures would filter down the good sentiment.

Q.—You say the collaboration of the Ministers ?

A.—Certainly.

Q.—But there was not any collaboration between the Ministers in previous Councils.

A.—We took it that there was very happy collaboration.

Q.—We were told there was no collaboration at all by one who had been a Minister himself. He was very friendly with his fellow Minister but there was no collaboration.

A.—But if the two Ministers were not happy, why did not the disagreeing Minister resign but remained attached for so long ?

Q.—That is just what we could not understand. They were quite happy but they did not collaborate when they were doing their work. We were told so by one of the Ministers. So there is a certain tension in that way ?

A.—I do not think that the tension between Ministers counts for very much. It might be mere differences of opinion, but I don't think there was any tension between Fazl-i-Hussain and Harkishen Lal.

Q.—I did not quite understand the allusion, both in Sir Muhammad Shafi's question and your replies to him, to Ireland. You agreed with Sir Muhammad that when England took Ireland seriously in hand she found she had to give Ireland two Governments.

(Sir Mohammad Shafi).—Q.—*Perhaps you would like me to explain my question again. My question was that the British Government had to divide Ireland, were compelled to divide Ireland into a northern section and a southern section and to give the two sections two separate Parliaments, because otherwise the Protestants, who were not all Irishmen but some of them had come over from Great Britain, and the Catholics could not have pulled together if there had been one common Parliament. Therefore bearing those communal considerations in mind they thought the best scheme would be, in order to give the two communities their proper and just rights, to divide Ireland into two portions, one in which the Protestants were in a majority, the other in which the Catholics in a majority, and to split up Ireland into two. The main considerations were communal considerations. Sir Arthur Froom, you agree with that ?*

A.—The position is this, that a drastic remedy like this had to be resorted to by the British Government in order to satisfy Ulster.

Q.—Would you have one Parliament in the Punjab for Muhammadans and another for Hindus ?

A.—That does not apply.

Q.—At the beginning of your memorandum—1A—you say that the dyarchy, as a tentative measure to suit the requirements of a transitional period, has served its purpose. You think it has served its purpose ?

A.—I think it has.

Q.—Can't it go on serving its purpose for a little longer ? The 10 years provided for by the Act is not a long time ?

A.—We have been asking for self-government for many years past.

Q.—I quite agree with the view that 10 years is a long time in your life and perhaps a longer time in my life, because I am an older man than you are, but I do not accept the view that 10 years in the history of a great country like India is a long time.

A.—When you consider this fact that for the last 30 or 40 years we have been making this demand, it is.

Q.—You are going on ; you have made a considerable advance under this Government of India Act.

A.—Not exactly ; the substance of power was kept back in the shape of reserved subjects.

Q.—You don't think you are in too much of a hurry, I mean to say, you concede that dyarchy has served its purpose, as you say, for 3 or 4 years.

A.—When I say that, I mean dyarchy has established three things. It has established that Indian Ministers are forthcoming who can hold departments and portfolios and administer them with success. It has established that Indian members of legislatures possessing the necessary acumen, experience and parliamentary training will be forthcoming and available. It has also established that the Indian electorate is a very good and intelligent electorate, able to return proper candidates.

Q.—Would you like the Committee to understand that the electorate of the Punjab, numbering something like 6,27,000,—that one and all of them understand the meaning of dyarchy ?

A.—That is an impossible position. You cannot expect all the electors to understand dyarchy, but they know one thing, and that is, how to return the best man who would look after their position.

(*Mr Chairman*).—Q.—Did they do so ?

A.—According to their lights they have returned some very good men. Our first experience on account of non-co-operation was not very happy. But they have returned very good men now.

Q.—You consider that all the Members of the Punjab Provincial Legislative Council understand dyarchy fully ?

A.—They may not understand it in all its implications but the principle of division of Government they understand.

Q.—They know the word anyhow ?

A.—Certainly they know the word. They call it *do-amli* in the vernacular—the rule of two—double government.

Q.—On page 2 of your memorandum, you have first of all described the Government of India as an irresponsible Government

A.—Constitutionally. I mean it is not responsible to the Legislature.

Q.—You say it is irresponsible ?

A.—In the constitutional sense—not responsible to the Assembly.

Q.—I take it that there has been a certain amount of responsibility to the Assembly.

A.—I think there is none unless it be that the Budget is submitted to the vote of the Assembly. But it is not binding.

Q.—I will put it to you in this way. Government frequently have accepted the views of the Assembly on many questions.

A.—That is something quite different from responsible government.

Q.—I know they are not legally responsible, but they have tried to placate the Assembly, and accepted many Resolutions even though the Resolutions of the Assembly were not pleasing to Government. In order to make the reforms a success Government have accepted the Assembly's recommendations.

A.—Even before these reforms in the Imperial Council several Resolutions were accepted.

Q.—I only wanted to know what you meant by wholly irresponsible. You meant under the Act ?

A.—The mere acceptance of certain recommendations of the Legislature does not make that Government responsible. It still retains its irresponsible character.

Q.—You suggest that the defence of India should remain as a reserved subject ?

A.—Only to appease British sentiment,—out of regard for the susceptibilities of the Government—not that the Indian people are not prepared to shoulder the burden of the defence of their country, but because the Government in its present mood.....

Q.—Out of regard to British sentiment ?

A.—Yes.

Q.—Not out of regard to the safety of your frontier ?

A.—It is only to satisfy British feeling. They won't agree to it.

Q.—You think the Punjab will be kept safe by British sentiment ?

A.—Well, we Punjabis can look after our defence very well.

Q.—I can perhaps understand Madras making that statement. I cannot understand Punjab saying so.

A.—Punjab is the recruiting ground. We supply combatants to you.

Q.—I am quite willing to admit that. I am talking of the administration of the Army. You do not suggest that the Central Government should give up any part of the vote on Army supplies ? It is non-votable item at present.

A.—What I mean is that it need not be submitted to the vote of the Assembly. I accept it.

Maharaja of Burdwan.—Q.—What is the reason that from your University seat you are unable to return a Muhammadan candidate ?

A.—Well, let the truth be plainly told. The Hindu votes for the Hindu and the Mussalman votes for the Mussalman.

Q.—Is that the only reason ? Or is the other factor also, which is undoubtedly present in the other provinces, partly responsible, namely, that from the educational qualification point of view, you get a better candidate from the Hindus ?

A.—Our experience in the Punjab tells us that in spite of the fact that the most competent Muhammadans were forthcoming—some might be sitting perhaps at this very table—the University constituency would not agree to return them because they were Muhammadans.

(Sir Sivaswamy Aiyar).—Q.—There is one Muhammadan representative of the University now ?

A.—No.

(Sir Sivaswamy Aiyar).—Q.—Before the reforms ?

A.—Before the reforms Mr Fazl-i-Hussain got himself returned. Then the franchise was confined only to Fellows.

(Sir Sivaswamy Aiyar).—Q.—You are talking of the pre-reform period ?

A.—Yes.

(Sir Sivaswamy Aiyar).—Q.—What I want to know is whether there is any Muhammadan representative now.

A.—None.

Q.—Can you give me any instance in which the University returned a Hindu who was in any sense less qualified than the Muhammadan candidate put forward ?

A.—The only reason is that the candidates themselves and their

Q.—What I ask is whether in any of the elections for the University seat, a Hindu candidate was returned who was less qualified than the Muhammadan candidate.

A.—We have had only two instances of the return of a University candidate for the Council under the reforms and.....

(*Dr. Paranjpye*).—*Q.*—Who were the opposing candidates ?

A.—Once it was Mr Manohar Lal but with no Muhammadan candidate to oppose him and this time it was Lala Ruchi Ram opposed by Dr. Khalifa Shuja-ud-Din.

(*Mr Chairman*)—*Q.*—The point of the Maharaja of Burdwan's question was this. Was the Hindu returned because he was a better candidate or was it because he was a Hindu ?

A.—He was returned because he was a Hindu, and not because he was a better candidate. I have already said that.

Q.—That being the view held by yourself and others, do you think that in the case of a mixed electorate like the University seat and the Industries seat, the present friction and ill-feeling could be avoided if it was made a rule that from this mixed electorate a Hindu should be returned for one term and a Muhammadan for the next term ?

A.—That is a very good idea.

Q.—That is very often mooted. Suppose that that was put into practice, do you think that a good deal of friction will be avoided ? You have said that out of 71 seats, Muhammadans have got 34. It strikes me that this friction between Hindus and Muhammadans regarding one or two seats could easily be avoided if some such arrangement as I have suggested is made.

A.—I agree with your proposal.

Q.—Do you think that if this was done, a good deal of the present friction would disappear ?

A.—Quite.

Q.—And communal representation, as it now exists in the Punjab would give a fair proportion to both Muhammadans and Hindus ?

A.—Quite so, I agree to that.

Q.—In the memorandum submitted by the Punjab Provincial Muslim League it is mentioned that "all provincial subjects including Law, Police, Land-Revenue, etc., should be placed in the hands of Ministers responsible to the Legislature." I understand that in your province the majority what are called Zamindars or landholders are Muhammadans.

A.—Yes, a majority.

Q.—And you think your Muhammadan landholders or whatever they are called in your province would not object to land-revenue being a transferred subject ?

A.—They would not object. They would welcome it.

Q.—They would not think that under the system of land-revenue which prevails in the Punjab they would suffer if it became a transferred subject ?

A.—They would welcome the transfer.

Zamindars in the Punjab m

A.—No. The cultivator is one who actually tills the soil—the tenant. He may not own the soil. In very small holdings the owners are themselves cultivators.

Mr. Jinnah.—Q.—You know that the Joint Select Committee accepted the recommendations of the Lucknow Pact?

A.—Yes.

Q.—You know that?

A.—Not in their entirety; I believe in the matter of the proportion of representation to be allowed to the Muslim community and others.

Q.—This is what they say “The recommendations of the Franchise Committee in respect of the proportionate representation of Muhammadans based on the Lucknow Pact may be accepted.” These proportions fixed in the Lucknow Pact for the representation of Muhammadans and Non-Muhammadans were accepted. The Franchise Committee did not alter the percentage which was agreed upon by the Lucknow Pact.

A.—I believe it must have been accepted but I do not know how it has come about that in the Punjab that percentage has not been observed.

Q.—I will come to that. Are you aware that the Franchise Committee in their report did not disturb the percentage agreed upon by the Lucknow Pact?

A.—Quite so, they did not.

Q.—You say that when it came to be worked out in detail by rules, you found that the Muhammadans did not get even 50 per cent.?

A.—Quite. 34 out of 71.

Q.—It comes to 45 per cent.?

A.—Yes

(*Sir Swaswamy Aiyar*)—Q.—It is only a question of two seats.

A.—That is quite so but it cuts both ways.

Q.—There is no question of one or two seats I agree with you. Would you be satisfied if the Lucknow Pact was carried out strictly?

A.—There is now a general feeling among my community all over that the communities who are in the majority must in no case be reduced to equality or a minority. That is the position at present, and it is a very reasonable position, I believe.

Q.—Punjab will accept this if under that formula you get 51 per cent.?

A.—We would accept it.

Q.—If you get 51 per cent. you will accept it?

A.—I think my people will accept it.

Q.—Because then you would not be in a position of equality but in the majority?

A.—Yes.

Q.—Now, when the League passed the resolution to which reference was made, the League also appointed a committee?

A.—Quite.

Q.—The League empowered the committee to confer with com-

A.—Yes.

Q.—That committee, I suppose, is likely to meet very soon ?

A.—Yes.

Q.—This was passed only last May ?

A.—Yes.

Q.—You have said that the electorates are intelligent and all that. I only want to ask you this in connection with that. Do you think it is not possible to form parties on lines other than communal in the Legislative Councils ?

A.—It is possible to form parties which are based on other than communal lines, and we have got them at present in my province.

Q.—Is there any great difficulty in a party being formed on lines of a particular policy or a particular programme ?

A.—No.

Q.—You say that can be done ?

A.—Yes.

Q.—And is that on which you have been working in your Council ?

A.—Yes. The opposition to the late Ministry consisted of several Hindus and Muhammadans.

Q.—The opposition to the Ministers was the opposition of both Hindus and Muhammadans combined ?

A.—Opposition of both combined

Q.—And the supporters of the Ministers were both Hindus and Muhammadans combined ?

A.—Yes, and Sikhs and even Christians.

Q.—The parties were formed on definite issues which came before the Council ?

A.—Political issues.

Q.—There is one more question that I wish to ask you. Besides this section which is very much interested in securing the loaves and fishes of office—besides that section and besides that dispute which of course sometimes goes deeper, what is your opinion generally of the Punjab ? Do you think that there is more and more collaboration in matters political between the Hindus and Muhammadans—more and more collaboration ?

A.—More than in the past. These are temporary phases. There may be acute bitterness at the present moment, but it is a temporary phase.

A.—Do I understand you correctly that if there was responsible Government in the Provinces you would be able to handle those who are fighting for loaves and fishes much better ?

A.—Yes, sitting at a common table, the Ministers will settle it themselves as responsible people.

Q.—I think it was Sir Arthur Froom that asked you a question about the defence of the country. He asked, "Why do you want to leave that out of the control and responsibility of the Legislature ?" Your answer was that it was for the sake of the British ?

A.—Out of deference for the susceptibilities of the English people.

Q.—Is that quite correct ?

A.—Absolutely.

Q.—This is an important matter and I want you to follow me. You say that India is ready to take up the defence of the country ?

A.—That is my belief.

Q.—At once ?

A.—Certainly at once.

Q.—You say that you can produce the Commander-in-Chief, the generals, the colonels and the various other officers that are now in charge of the British army here ?

A.—Of course, one should want some period of training. Once there is an opening in that direction and the necessary training given—I postulate that.

Q.—You do admit that what is essential is that there should be an opening and the necessary training ?

A.—Quite.

Q.—And necessary experience should be acquired ?

A.—Yes.

Q.—I want you to follow me. In the first instance the people of this country were deprived of all arms ?

A.—Yes.

Q.—Has not that emasculated and demoralised the people ?

A.—Bound to.

(*Mr. Chairman*).—*Q.*—Even in the Punjab ?

A.—Yes.

Q.—The Punjab would be a wonderful exception if it was not demoralised because they were deprived of arms ?

A.—Quite so.

Q.—You are only human beings I suppose in the Punjab ?

A.—All over.

Q.—You know that the people of India were not thought fit to hold the King's commission in the army until very recently ?

A.—Yes.

Q.—After the war ?

A.—Yes.

Q.—And do you know that the people of India are not allowed an insight into the artillery, or the air force, and not admitted to the Woolwich ?

A.—Yes.

Q.—Do you agree that so far as the army is concerned the training and experience which is necessary to take up the defence of the country has been denied to the people of India up to the present moment ?

A.—Yes.

Q.—And is it fair to suggest "Why do you wish to exclude the army for the present ?" in a sarcastic manner ?

A.—No.

Q.—I suppose you want to exclude the army because you want some period within which you ought to have a proper and honest opening in

A.—Partly for that reason and also for the fact that the English people would not hand over complete charge of the army policy to India so long as they are the working Government in this country. So long as they are the Government in this country one can understand their susceptibilities to keep the army in their own hands.....

Q.—But do you expect the British people to give you responsible government and then whenever you want them to defend you they should come forward to get their heads broken ?

A.—Of course, this is until the grant of responsible government. When responsible government comes in, that will not follow.

Q.—It comes to this that you must have sufficient opportunities given to you to receive the requisite training to take up all the defences of your country ?

A.—Quite so.

Q.—I want to know from you this. If a fair and honest opportunity was given to the people of India do you think you would be able to take up the defence of your country within 8 or 10 years ?

A.—Certainly.

(Mr. Chairman) —Q—8 or 10 years ?

A.—Oh, yes. Certainly.

Q.—You were asked this question, " Is not 10 years a very short period for the trial of a new constitution " ?

A.—Yes.

Q.—Does not that depend on how rotten the constitution is whether it should be 10 years' experience, or whether it should be a few years' experience, or a few months' ?

A.—I do not quite follow you.

Q.—Supposing I give you a knife and the very first time you use it the edge of the knife is broken and still I ask you to go on cutting something.....

A.—That is impossible of course.

Q.—Supposing I had told you, " I won't give you another knife for six years," and I ask you to go on using it for that period, can you use that knife without the edge ?

A.—No. I cannot.

Q.—And I ask you to sharpen it. Would you sharpen it if the edge had gone completely ?

A.—It is quite useless.

Q.—The Ministers were nominated by the Governor ?

A.—Yes.

Q.—And the Governor is not a constitutional Governor ?

A.—I take it that that is the position which has been assigned to him under the reforms—that he should be in the position of a constitutional monarch guided by the advice of his Ministers so long as they enjoy the confidence of the House which is elected by the people.

Q.—Therefore he is not a constitutional Governor ?

A.—If he is not he had better be. The present Act, of course, does not introduce any obstacles in the way of that ideal.

Q.—I want to know this. You said that dyarchy must go ?

A.—Yes.

Q.—And you said that that is the general desire of the country ?

A.—Yes.

Q.—I suppose you include in that that the Muhammadans are also of the same opinion ?

A.—The Muhammadans have passed this resolution for complete provincial autonomy. That is certainly the desire of the Moslems.

Q.—I take it that so far as the Punjab is concerned both the Hindus and Muhammadans want the same advance ?

A.—Yes.

Q.—You want provincial autonomy, you want complete responsibility in regard to all departments in the Central Government.....

A.—With the exception of those specified.....

Q.—Civil administration—let me put it at that ?

A.—Yes.

Q.—And you want to do away with the Council of the Secretary of State ?

A.—Of course.

Q.—And what will you substitute in place of the Council of the Secretary of State ? You say it is an anachronism. You say that the Secretary of State for India should have the same powers as the Secretary of State for the Colonies. That is what you say ?

A.—Quite so.

Q.—In order to secure this advance you know that an amendment of the constitution is necessary ?

A.—Absolutely.

Q.—There is one other question I want to ask you. Sir Arthur Froom asked you this question, “ Do you mean to say that the Government of India is not responsible ? ” So far as the Central Government is concerned, is it not correct that the Legislature has no control and no responsibility ?

A.—Quite.

Q.—The Legislature is at the stage of influencing the Government ?

A.—Yes. Mere influence. They say so in the Report.

Q.—And that is what you mean when you say that the Government of India is irresponsible ?

A.—Quite so.

Sir Henry Moncrieff Smith.—*Q.*—We have been told in this Committee that in the Punjab Council there was something in the nature of a coalition between the official bloc and the Muhammadan bloc and that they combined and were able to get measures through the Council. Is that in your opinion a correct statement of what happened ?

A.—That is not a correct statement.

Q.—It is not true ?

A.—No.

A.-No. That is not true.

Q.-If it happened you would consider it to be a very bad thing ?

A.-If this thing were entirely communal it would be bad, but it is not so. I have stated that the opposition to the popular Minister, Mr. Fazl-i-Hussain, was in the hands of no other than Mr. Shah Nawaz who was a very prominent member of our Provincial Council. He constituted and still constitutes the opposition to the Muhammadan Minister.

(*Sir Mohammad Shafi*).—Q.—Do you think that Mr. Harkishan Lal would have continued to remain in the Government if there had been combination between the Europeans and the Muhammadans as against the Hindus ?

A.—Not a minute.

Q.—He has himself said so ?

A.—It is not a correct presentation of facts to say that the Muhammadans and the officials have collaborated to defeat Hindus in the provincial council.

Q.—Now, your League objects strongly to the appointment of Council Secretaries and says it is not only undesirable but pernicious. Were Council Secretaries appointed in the Punjab ?

A.—I am afraid you would not find that in the Memorandum of the League.

Q.—It is in your own private Memorandum ?

A.—Yes.

Q.—I think the League said that there should be no Council Secretaries ?

A.—Not ; it was in my personal Memorandum.

Q.—I will deal with your personal Memorandum. Were Council Secretaries appointed in the Punjab ?

A.—Yes.

Q.—Will you tell the Committee what functions were assigned to Council Secretaries ?

A.—They were largely the whip of the Ministers ?

Q.—What were the duties of the whip ?

A.—If that does not explain, I will still further explain. They were going round to members and securing support for the Ministers, trying to popularise ministerial policy and so forth.

Q.—The Government of India Act, under which they are appointed, says that they shall discharge such duties in assisting members of the executive council and Ministers as the Governor may assign. Was that the Governor's conception of the duties referred to in those words--assisting members ? Does that mean getting votes for them ?

A.—No, as a matter of fact I said Council Secretaries were popularising ministerial policies or explaining ministerial policies and of course securing support. There is nothing objectionable in that.

Q.—Did the Council Secretaries speak in the House on behalf of Ministers or instead of Ministers ?

A.—I believe their work was more or less of secondary nature, not so prominent. We want Council Secretaries, on the lines of Parliamentary Under Secretaries, to take part in the discussion and explain ministerial

Q.—Is there anything in the Government of India Act, in the constitution, that prevents Council Secretaries being of the nature of Parliamentary Under Secretaries ?

A.—Yes, because the permanent officials take their place. There is a certain fixed percentage of officials.

Q.—Officials are not obliged to take their place ?

A.—They are required to be nominated.

Q.—My point is this. There is nothing in the Government of India Act which prevents a Council Secretary from being appointed and from performing the functions more or less of a Parliamentary Under Secretary ?

A.—Quite so ; there is nothing in the Act.

Q.—When you say that the appointment of Council Secretaries was pernicious you really mean the way in which Council Secretaries were used ?

A.—Yes.

Q.—That is a mere matter of putting the Act into operation ?

A.—Yes.

Q.—You say that the Ministers ought to be aided not by permanent officials but by Council Secretaries or Parliamentary Under Secretaries—by whatever name you may call them. Do you mean they should be aided in the Council itself ? You are talking of assistance in the Council ?

A.—Yes

Q.—You would not suggest that the Ministers outside the Council should not have the advice and assistance of the permanent Secretaries ?

A.—They are bound to have their advice. I mean the association of permanent officials in the Council as members is not desirable.

Q.—You say that Ministers should have complete fiscal freedom and be released from the fetters imposed on their actions by the finance department. What do you mean by that ? There should be no Finance Department ?

A.—No ; there must be a Finance Department.

Q.—What would the functions of the Finance Department be in relation to transferred subjects ?

A.—I believe all schemes proposed by Ministers go to the Finance Department and they are carried out after they are sanctioned by the Finance Department ; as a matter of fact several schemes are thrown out.

Q.—You mean that no scheme proposed in the Transferred Departments should be examined from the financial point of view ?

A.—They should be examined.

Q.—By whom should they be examined ?

A.—The Finance Department, which should be independent of the Minister and not manned by a member of the executive council.

Q.—Will you have one Finance Department on the reserved side and another on the transferred side ?

A.—No. I would certainly have one Finance Department, and if it could be independent of both the reserved and the transferred side, it would be better.

Q.—Would not that involve separate purse ?

A.—No. It should be independent of both. That is the proper Finance Department. I take it that the Finance Department, if it is to be really useful, must be independent of both, and must do independent audit and independent scrutiny.

The witness was asked to appear before the Committee at half past ten on Thursday, the 21st August, 1924.

Thursday, the 21st August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock with Sir Alexander Muddiman in the Chair.

Examination of Mr. Barkat Ali continued.

Mr. Barkat Ali.—Before I am examined I should like to draw the attention of the Committee to a very important clause in the Resolution of the League which seems to have been inadvertently omitted from my Memorandum. I should like to put it after (b). That clause runs as follows :

“The mode of representation in the Legislature and in all other elected bodies shall guarantee adequate and effective representation to minorities in every province, subject however to the essential proviso that no majority shall be reduced to a minority or even to an equality.”

I mentioned this, of course, in my oral examination.

(*Mr. Jinnah*).—*Q.*—You say that you are supported by the Resolution of the All-India Muslim League in that view ?

A.—Yes.

Q.—Will you give us a copy of that clause ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—We have already got it down.

Sir Sivaswamy Aiyer.—*Q.*—Mr. Barkat Ali, you have given us a very pleasant picture of the situation of the Punjab. I was under the impression that it was rather a turbulent province. I suppose my impression is not confirmed ?

A.—No, we are not a turbulent people.

Q.—What do you think of the state of tension between the Hindus and the Muhammadans ?

A.—We have had very good relations. Recently, however, on account of the *shudhi* movement this tension has become a little more acute ; but it will pass off.

Q.—How long is it since the feeling became strained ?

A.—Say, for the last two years.

Q.—It is all subsequent to the Reforms ?

A.—Yes.

Q.—Has this feeling been mitigated or exacerbated during Mr. Fazl-i-Hussain's Ministry ?

A.—One aspect of Mr. Fazl-i-Hussain's policy, namely, the bringing forward of the depressed and backward communities in a line with the other advanced communities of the province, was certainly strongly criticised by those whom it affected, namely, the monopolists. But for that, it has not added to the tension.

Q.—Was it merely a question of bringing up those who are backward or was it a question of denial of opportunities to other communities?

A.—It was completely a question of bringing up the backward communities in a line with the other communities and not of denying any equal opportunities allowed to others.

(*Maharaja of Burdwan*)—Q.—What were the backward communities?

A.—The Sikhs and the Muhammadans. We have practically three main communities in our province.

(*Maharaja of Burdwan*).—Q.—His policy was only the bringing up in a line of the Muhammadans and the Sikhs?

A.—Yes.

Q.—Has there not been a complaint in regard to the municipal electoral rules and so on?

A.—Mr. Fazl-i-Hussain laid it down as a formula that representation in the municipalities shall be in proportion to the population figures. This formula has not been accepted by those who had all the representation of the municipalities to themselves.

Q.—Has that principle been uniformly applied?

A.—Yes.

Q.—We have heard that in Lahore one community has abstained from taking part in the elections. This was also the case in Amballa, Firozepore and other places?

A.—In Lahore they have abstained on account of the fact that the representation which has been allowed by Mr. Fazl-i-Hussain on the population basis has not been accepted by them.

Q.—Has it not been said that there has been a gerrymandering of constituencies?

A.—No, because the constituencies are determined by the municipalities themselves. The Minister has nothing to do with the laying out of the constituencies. He has never attempted anything of the kind.

Q.—Have there been any complaints with regard to the system of administration of the grants-in-aid?

A.—Not so far as I know. There have been some ordinary complaints but no very strong complaints have been made in regard to grants-in-aid.

Q.—Have there been any complaints with regard to the admissions into colleges?

A.—Yes, there have been complaints.

Q.—The complaint is that certain communities are deprived of the chances of entering the colleges?

A.—No, that has not been the complaint. The complaint has been that 40 per cent. and 25 per cent. seats have been reserved for the

those institutions before. In fact, the Muhammadans could not get proper admission into these institutions in the absence of this reservation principle.

Q.—You were unable to get admission before ?

A.—We were not allowed to get admission

Q.—Do you mean to say that the authorities were anti-Muhammadan ?

A.—It does not necessarily follow from that. But it is a fact that the Muhammadans were not allowed adequate admission into those institutions.

Q.—As a matter of fact, are not all these seats reserved and kept vacant even if there are no Muhammadan students ?

A.—There is no question of the seats remaining vacant because the number of students seeking admission is far in excess of the supply.

Q.—Are the students who are admitted men of equal qualifications as compared to the students of other communities ?

A.—The Hindus and the Muhammadans who have been admitted under the reservation principle are men more or less of the same calibre. There might be a difference at the most of 15 marks between the last admitted Muhammadan and the last admitted Hindu as judged by the results of the University Examination.

Q.—If there was no question of reservation of seats at all, would there have been any difficulty in the way of the Muhammadans getting admission into these institutions ?

A.—I have already submitted that the Muhammadans never got proper admission in the Government College or in the Medical College before Mr. Fazl-i-Hussain laid down this formula. I believe this formula has been operation in Bengal for the last several years. It is also in vogue in other provinces.

Q.—Anyhow, owing to these three or four things there has been a tension between the two communities ?

A.—I must say that the differences have become acute. There is no doubt about it. As a matter of fact, even before that the Muhammadans keenly felt the disability of not being able to gain admission into these institutions.

(*Mr. Jinnah*)—*Q.*—Now the Hindus feel that the Muhammadans are getting in, although they are getting in rightly ?

A.—Yes, they feel it.

Q.—Do you think the Muhammadans get in on account of their merits ?

A.—Yes.

Q.—We have been hearing that if it was a question of mere merits there would have been no difficulties at all in the way of Muhammadans getting in ?

A.—The problem of my province is that notwithstanding the Muhammadans possessing the requisite merit and the requisite efficiency, they were not allowed those opportunities in the educational institutions and in State service.

Q.—These measures which have been taken they must contribute according to you to harmonious relations ?

A.—Undoubtedly, and I may also state that Mr. C. R. Das and Pandit Motilal Nehru came to help us in these matters, and Mr. Fazl-i-

Hussain's policy was explained to them and they accepted it, and they said "We are not going to allow it to form the subject matter of any discussion in our presence".

Q.—If that is the state of things, why do you press for communal electorates ? What is your objection to mixed electorates with reserved seats ?

A.—My objection to mixed electorates with reserved seats is this, that in view of this feeling which exists, it is a fact that there is a certain amount of dissension and distrust between the two communities, and on account of this dissension and distrust the Muhammadans in the present state of things want communal electorates.

Q.—If seats are reserved in a common electorate, that will secure to the Muhammadans whatever number of seats may be considered desirable and just ?

A.—That is not exactly the situation. The Muhammadans not only want number, they also want the requisite standard of candidate, of the person who is returned so that he will be able to look after and properly safeguard Muhammadan interests.

Q.—What do you mean by standard ?

A.—There is a feeling that Muhammadans returned with the support of Hindu votes might not be good candidates

Q.—Would you not take an equally narrow or communal view ?

A.—No, not that.

(*Mr Chairman*).—Q.—Is not your point that a Muhammadan returned by a sole Muhammadan vote is more likely to be a good representative of Muhammadans than a Muhammadan returned by a mixed vote ?

A.—Exactly, this is the feeling of the Muhammadans at the present time.

Q.—I take it you are aware of the advantages and disadvantages of the communal vote. Would not a Muhammadan returned on a general electorate consisting of Hindus and Muhammadans, and a Hindu returned by Hindus and Muhammadans, would they not be capable of taking a less narrow view of public interests and a more broad-minded view of what is for the good of the country ?

A.—This may be so in theory, but in practice this theory is of no value because in actual electoral fights, we find considerations influencing the electorate which are not considerations which should influence them in theory.

Q.—Has a common electorate with reserved seats ever been tried in your Province ?

A.—I believe not.

Q.—So you are not in a position to say how that system would work, a common electorate with reserved seats ?

A.—We have no actual experience, but we do fear the experiment will not be a successful one.

Q.—But you are not in a position to say that they would work badly ?

A.—From *a priori* considerations, I am in a position to say that they would not work successfully in the present state of things

Q.—You were asked by Sir Muhammad Shafi about the Punjab Land Alienation Act, what is the principle upon which the particular tribes are classed as agriculturists or non-agriculturists ?

A.—Mainly the principle is that people who actually till the soil and are not classed as agricultural tribes ?

Q.—The principle is that those who are cultivating tenants ?

A.—Yes, and who are also owners

Q.—Cultivating peasants ?

A.—Cultivating land-owners.

Q.—They are classed as agricultural tribes, and those who are not classed as agricultural tribes ?

A.—Yes.

Q.—Has that principle been properly worked ?

A.—There has not been any objection to that aspect of the question.

Q.—You know the class of Arains :

A.—They are pre-eminently agriculturists.

Q.—Sir Muhammad Shafi is an Arain ?

A.—Yes.

Q.—So he can buy land ?

A.—Yes, he has many relations who are cultivators.

Q.—As an Arain he is under no disability ?

A.—No.

Q.—And Mr. Fazl-i-Hussain, he can buy land because he is a Rajput ?

A.—Yes, he is not under any disability ; he can buy land.

Q.—And Lala Harkishen Lal cannot ?

A.—Because he is a money-lender, he is not a member of an agricultural tribe.

Q.—He is an Arora ?

A.—It is not a question of Arora or Rajput or Arain ; it is a question of agricultural classes as against non-agricultural classes.

Q.—Certain classes have been included in the definition of agricultural tribes ?

A.—Genuine *bona fide* agriculturists.

Q.—Now I want to know whether Sir Muhammad Shafi is a genuine *bona fide* agriculturist ?

A.—Sir Muhammad Shafi owns so much land that Lala Harkishen Lal has not one-fifth of it.

Q.—Then the principle is that those allowed to own land need not be tenants ?

A.—Members of agricultural tribes are not under any disability to progress, and if by education they succeed in attaining to positions of great responsibility, it does not follow that they are taken away from the class of agriculturists.

Q.—Don't you think the way in which this classification is worked must give rise to a considerable amount of friction ?

A.—I can conceive of no other principle under which Government, which has the statutory power of notifying these agricultural classes, can proceed.

Q.—Take the Chamars in your Province, are they cultivators ?

A.—I am not sure, but probably they are not ; there is a long list, I could not tell you off hand.

(*Maharaja of Burdwan*).—*Q.*—Am I right in understanding that your law is such that, supposing I had money and I wanted to buy land, I could not do so because I am not one of those tribes mentioned in the Schedule of the Act ?

A.—That is the law, subject to this exception, that powers have been given to the Deputy Commissioner of releasing you from that statutory disability if you require land for your factory.

(*Maharaja of Burdwan*).—*Q.*—Supposing I am a successful man in industries and I have amassed a large amount of wealth and I want to utilise that and instead of buying Government paper or shares, I want to buy land. In your Province there is a distinct disability against a man being able to buy land unless he belongs to one of these tribes ?

A.—Yes.

Q.—What I referred to is the fact that members of the cultivating classes are often excluded and members who are not of the cultivating classes are often included.

A.—No.

(*Mr. Jinnah*).—*Q.*—Under the rules or the working ?

Q.—I was thinking of the working.

A.—No. The Government notifies the genuine, *bona fide* agricultural tribes of the Province. They are generally agriculturists. I am under that disability myself ; I am a Kakazai, I am not a member of an agricultural tribe, I cannot purchase land.

Q.—Don't you think it is a very stupid way of working the Act ?

A.—If you were aware of the circumstances which led to the introduction of the Land Alienation Bill.

Q.—I mean the working of the Act ?

A.—I have not suggested that the working of the Act is open to grave abuse.

(*Mr. Jinnah*).—*Q.*—Who is working the Act ?

A.—The Deputy Commissioner

Q.—The classification of the tribes is made under the orders of the Government ?

A.—Yes.

Q.—You were asked whether, when Mr. Fazl-i-Hussain was appointed, the Hindu papers did not express their approval or support ?

A.—When Mr. Fazl-i-Hussain was first appointed he was the acknowledged leader of the Hindus and Muhammadans in the Province ; he had shortly before that presided over the political conference.

Q.—You say Hindus and Muslims ?

A.—Yes, when he was first appointed, he was.

Q.—When he was again appointed a Minister, did not most of the Hindus walk out of the Council in protest ?

A.—I understand they walked out as a protest against something done by the Governor, but not as a protest against Mr. Fazl-i-Hussain, because they are participating in the deliberations of the Council up to this day.

Q.—You say it was a protest against the Governor ?

A.—Some act of the Governor.

Q.—For having appointed Mr. Fazl-i-Hussain as Minister ?

A.—I cannot tell you that ; let me consider the exact situation I know up to this the Hindus and Muhammadans are participating in the deliberations of the Council.

(*Mr. Chairman*).—Q.—The question asked you was, did these people walk out as a protest against the appointment of Mr. Fazl-i-Hussain ? Were you present at the time ?

A.—I was not present at the time. If I remember aright, the position was this. The Governor wanted to address the House, and as soon as the Governor stepped into the room, the Members walked out and that walking out was a protest against the Governor.

(*Mr. Jinnah*).—Q.—The suggestion is that objection was demonstrated in this way because the Governor appointed Mr. Fazl-i-Hussain as a Minister, that was the cause of it ?

A.—I could not say anything on this point.

(*Mr. Jinnah*).—Q.—Did you hear that ?

A.—I only remember the walking out as a protest.

Q.—Are you in favour of the Lucknow Pact or against it ?

A.—I was one of the parties to the Lucknow Pact like Mr. Harkishen Lal.

Q.—Do you want the Lucknow Pact to be observed or departed from ?

A.—In one respect the Muhammadans would now like the Lucknow Pact to be reconsidered.

Q.—In what respect ?

A.—In this respect that under the Lucknow Pact the Muhammadans of Bengal who are 53 or 54 per cent were given 40 per cent. in the legislature ; and in the Punjab although the Lucknow Pact gave 50 per cent. of the elected strength you have not got 50 per cent. So far as the Bengal Muhammadans are concerned it is the wish of the Muhammadans that they should not be reduced to a minority. We want the Lucknow Pact to be reconsidered. Not only were the Muhammadans in Bengal given 40 per cent but it was clearly understood that the percentage would be revised as soon as the Muhammadans got more education and political experience and so on. I was one of the members and I know this was definitely understood.

Q.—Was not the Lucknow Pact the result of give and take on the part of both communities ?

A.—Yes, undoubtedly.

Q.—There are many provinces in which the Muhammadans are in a minority ?

A.—Yes.

Q.—If you want to revise it on one side, there will be a desire to revise it on the other side as well.

A.—The Muhammadans have no objection to such a revision.

Q.—In Madras, for instance, they are very much less than the Hindus ?

A.—Yes about 5 per cent.

Q.—And they get 15 per cent. according to the Lucknow Pact ?

(*Mr. Jinnah*).—*Q.*—13 per cent. Still they are in a hopeless minority.

A.—The Muhammadans realise that a minority of 15 or 16 per cent. is just as bad as 5 per cent.

Q.—Now taking the Punjab, you are entitled under the Lucknow Pact to one-half of the elected Indian members ?

A.—No, of the elected strength.

(*Mr. Jinnah*)—*Q.*—I believe that is correct—50 per cent. of the elected Indian members.

A.—May be

Q.—Now this 71 total number of elected members includes the European member who represents the Chamber of Commerce ?

A.—Yes.

Q.—You say you have 34 seats and your quarrel therefore is because you are short of one seat ?

A.—Just for one seat in the Lahore Municipality our Hindu countrymen have boycotted the Lahore Municipality.

Q.—The Hindus are an unreasonable lot, but I want to know about this 1 seat you are short of ; you have got 34 ?

A.—We are fighting for what we were promised.

Q.—That means one seat more ?

A.—Yes of course, but 1 seat more makes all the difference sometimes.

Q.—Would not some expedient like what the Maharaja suggested serve the purpose ?

A.—I believe I have already accepted that expedient ; it is a good one.

Q.—However is it not too small a matter to fight about ?

A.—I would not say it is too small a matter, because a majority is reduced to a minority—that is the real position

(*Mr. Chairman*).—*Q.*—I think we have had enough on that point.

Q.—Coming to your memorandum upon other points, I see you want certain reforms. Would you maintain or remove the official *bloc* ?

A.—I would remove the official *bloc* ?

Q.—Again you say that His Majesty's Indian Marine Service should be exempted from popular control in the Central Government ?

A.—The Army and the Navy go together.

Q.—But the Royal Indian Marine performs no naval functions except occasionally transporting troops.

A.—Well, I would exempt them.

Q.—You say that the Secretary of State's Council is an “expensive drag” ?

A.—Yes.

Q.—Do you know who pays the cost of it ?

A.—I know now as the result of the Reforms Scheme the agency charges are borne by the revenues of India and the proper charges of the Council of the Secretary of State have to be met by the English taxpayer.

Q.—Is it your opinion, apart from the question of expense, that the Council of the India Office is a useless body and should be abolished ?

A.—Yes, that is the position. It operates to our detriment.

(*Mr. Chairman*).—Q.—In what way does it operate to your detriment ?

A.—For this reason, that the Secretary of State must in theory and according to the scheme of the Council be influenced by the judgment of his colleagues on the Council and it is felt that these colleagues are generally retired permanent officials who carry with them all the prejudices of life-long service in India and are not very popular in their aspirations and sympathies. It is felt that the Secretary of State being constantly kept under the influence of such advisers, is not in the interests of the country.

(*Mr. Chairman*).—Q.—Is it a fact that some of your own community are on the Council ?

A.—I know that.

(*Mr. Chairman*).—Q.—And you prefer to go back to the old system when there was none of your own people on the Council—I mean the original position when they were all sundried officials ?

A.—We do not want any Council at all. We want the Secretary of State alone.

Q.—You say the functions of the Central Government should be confined to such matters as are of general concern. I suppose you would like to have a strong Central Government ?

A.—Certainly. The Central Government must in the nature of things be a strong Government.

Q.—And as between the Central Government and the Provincial Governments, with whom would you rest residuary powers ?

A.—I have not thought it out, but I think it would be preferable to keep them with the Central Government.

Q.—You say that full religious liberty, including the right and liberty of propaganda, should be given. Do you want liberty to be given for the preaching of Bolshevism ?

A.—That is not religious liberty—I mean propaganda in regard to religion—that is distinctly understood.

Q.—Don't you think religious propaganda has often given rise to trouble in this country ?

A.—Well, ill-directed propaganda has.

Q.—However, I am not against the right of this propaganda. At the top of page 4 of your memorandum you say "No Bill or resolution or any part thereof affecting any community shall be passed if three-fourths of the members of that community oppose such bill or resolution or part thereof". Surely there must be some mistake about this. Do you mean exclusively affecting the community or affecting the community in any way along with others ?

A.—The idea was "exclusively affecting the community." I may say that is taken exactly from the Congress-League Pact.

Q.—Suppose some Act of general application was passed, every community would be affected. You are not taking up bills and resolutions like that?

A.—No, that was not intended.

Dr. Paranjpye.—Q.—You mentioned that in the Punjab about 90 per cent of the population were agriculturists?

A.—Yes

Q.—And 55 per cent. of them are Muhammadans?

A.—Yes, 55 per cent. of the total population including urban and rural.

Q.—Well out of this 55 per cent of Muhammadans how many would be in urban areas? Are the urban areas more populated by Hindus or Muhammadans?

A.—Most of the strength of the Muhammadans is in rural areas. The Hindus are not so largely scattered. Possibly one might say that whether Sikhs or Hindus or Muhammadans, they are widely scattered over the rural areas.

Q.—Take it in the most favourable light. Supposing out of this 100 per cent of population, 55 per cent. are Muhammadans, all in the rural areas; then you say the remaining population, out of 90 per cent.—namely, 35 per cent of the population consisting of Hindus and Muhammadans are agriculturists—therefore 90 per cent of the population are agriculturists. Now 55 per cent. of this population is Muhammadan. Supposing all the Muhammadans are agriculturists, it follows that there must be at least 35 per cent. of the population consisting of Hindus and Sikhs which is agricultural.

A.—Yes.

Q.—What per cent of the population is Sikh?

A.—So far as agriculturists are concerned, it might be 20 per cent. or 15 per cent.

(To Sir Muhammad Shafi).—What is the Sikh population?

(Sir Muhammad Shafi).—About 10 per cent.

Q.—I just want to see exactly what percentage of Hindus are agriculturists?

A.—I have not worked it out.

Q.—I would put it in this way—55 per cent. are Muhammadans, 10 per cent. Sikhs and 35 per cent Hindus. Supposing all the urban population consisted of only Hindus, out of this 35 per cent. Hindus 10 per cent. would be urban; consequently you will admit at least 25 per cent. out of the 35 per cent. is agricultural.

A.—I am afraid I cannot follow your statistics.

Q.—Now you have 35 per cent of the population Hindus?

A.—They are about 32 per cent or something like that.

Q.—Then it must obviously follow that at least 23 cf this 32 per cent. must be agriculturists ?

A.—Whatever the percentage, a number of agricultural tribes are Hindus who have all the benefit of the Land Alienation Act.

Q.—Can you tell me what percentage of Hindus is included in that agricultural population ?

A.—I cannot.

Q.—Do you know there is among the Punjab Hindus a feeling that Government is antagonistic to the Hindus ?

A.—I am not aware of any such feeling. On the contrary I may tell you there is a belief in Muhammadan quarters that Government is very often pro-Hindu. In the Punjab we have not yet had a pro-Muhammadan Government according to popular belief.

Q.—You know that the Punjab sends a large number of people into the Army and the Army is recruited from what classes ?

A.—Largely from the Muhammadans ; and also Sikhs.

Q.—Is it a fact that Hindus are not admitted to the Army ?

A.—There are Hindu Dogras and Rajputs. There is a large number of Hindus who certainly are recruited, and I am not aware of any disability attaching to the Hindu community as a whole. There are some Hindu tribes and castes who are not fit for recruitment, but that is a different matter.

(*Sir Muhammad Shafi*).—What about Hindu Jats ?

A.—Oh, yes, they are (fit).

Q.—In answer to a question by Sir Sivaswamy Aiyer, you said that as regards the acquisition and purchase of land, you could not think of any other alternative except to denominate a certain number of castes as agricultural and a certain number of castes as non-agricultural. Don't you think it would be possible to see that people who actually cultivate their land should not be allowed to sell it to a non-agriculturist ?

A.—No.

Q.—If a rule is made that cultivators who are cultivating their own land should not be allowed to sell their land to a non-cultivator, how would that do ?

A.—It would be quite a useless thing. One or two members of a family actually till the soil and the remaining members feed on their labours. So, it will be nullifying the object of the Act.

Q.—Supposing the Maharajadhiraja of Burdwan wanted to buy land from Sir Muhammad Shafi. Should there be any objection ?

A.—Why create an exception ? I would not create any such exception.

[*Sir Muhammad Shafi*—It so happens that Sir Muhammad Shafi belongs to an agricultural tribe (Laughter)].

Q.—As regards admission to Colleges, you said that if Muhammadans and Hindus of equal merit applied, the Muhammadans did not get admission.

A.—Yes.

Q.—Do you think the purpose would be served by making admission to the Colleges entirely by open competition according to the number of marks obtained in the preceding examination ?

A.—That is a most unusual suggestion. People who pass the Matriculation examination should be able to get into the Government College.

Q.—If there is a greater demand for admission than the number of seats available, you can make admission according to merit ?

A.—That is an unheard of proposal and it is most impractical. I would certainly not support that proposal.

(*Mr Jinnah*).—*Q.*—It does not exist in any part of the world ?

A.—No. A Matriculate seeking admission into an Arts College and still being subjected to a competitive examination.

Q.—I may point out that we have done that in Bombay when there is a large amount of competition.

A.—I do not know. I am aware of competitive examination for such institutions as the Roorkee Engineering College but not for Arts Colleges.

Q.—If there is no room for admission for all you should adopt some such arrangement ?

A.—Then either the State must increase these institutions or it must give the benefit of the existing institutions to all the communities. That is the position.

Q.—There was some reference to the Irish analogy ?

A.—Yes.

Q.—Sir Muhammad Shafi, I believe, pointed out to you that in Ireland there are two Governments, one in the North and the other in the South. Do you know that there are several Protestants in the South of Ireland ?

A.—Very few.

Q.—And you don't think a clear cut division is possible in the Punjab as in the case of Ireland ?

A.—It is impossible. We are scattered all over promiscuously. I have Hindu neighbours and Muhammadan neighbours and so on.

Q.—Do you know that Irrigation plays a large part in the Punjab ?

A.—Yes. It has added immensely to the prosperity of my province.

Q.—Have you heard of any instances in the Council in which certain irrigation proposals were thrown out because they were more likely to help the part of the Punjab inhabited by the Hindus and other proposals which were likely to help the Muhammadan parts were carried out ?

A.—I have never heard of any such thing. If you could give me concrete instances, possibly I may say. I am not aware of any such thing.

Q.—There are irrigation schemes for the West Punjab which is more inhabited by Muhammadans and irrigation schemes for the East Punjab which is more inhabited by the Hindus.

A.—There are irrigation schemes for all such tracts which require reclamation. That is the only consideration that the authorities who put forth irrigation proposals have in mind. But the idea of benefiting Muhammadans in particular or of injuring Hindus in particular has never entered into their heads.

(*Sir Muhammad Shafi*)—*Q.*—With reference to this, may I ask if it is not a fact that the Sutlej scheme has been given preference over the Indus scheme and that the Sutlej scheme is mainly through Hindu tracts while the Indus scheme is through the Muhammadan tracts?

A.—What I want to point out is that considerations like these have never entered, so far as I know, Government heads.

Q.—As regards the *shudhi* movement, you told us that the movement has been rather more intensive during the last two years?

A.—Yes.

Q.—Do you think that conditions in Malabar, the forced conversion of Moplas to Muhammadanism, had any reactive influence in the Punjab?

A.—So far as the forced conversion of the Moplas is concerned, I do not admit it.

Q.—At any rate, that was freely reported in the papers

A.—So many wrong things are freely reported in the papers.

Q.—Supposing the Hindus believe that in Malabar there was forced conversion of Hindus to Muhammadanism?

A.—That is very bad. I deprecate it.

Q.—And the Hindus as a reaction had an intensive *shudhi* movement.

A.—That is no reply. That is not just. I myself would deprecate and deplore any attempt to forcibly convert a person of any persuasion to another persuasion.

Q.—You can understand that it might be a re-actionary movement from Malabar.

(*Mr. Jinnah*)—*Q.*—That is what the witness says,—that it is a re-actionary movement.

(*Mr. Chairman*).—*Q.*—This is not an enquiry into the Hindu-Muhammadan unrest. This is an enquiry into the working of the Government of India Act.

Q.—Sir Muhammad Shafi also asked you about Sind. Do you want Sind to be joined on to the Punjab?

A.—We would let Sind develop as a separate administration because they have been so long accustomed to advanced Bombay. They had better continue. We Punjabis are not regarded as good companions.

Q.—Do you agree with the suggestion that Sind should have its own Government?

A.—Yes, separate autonomy.

Q.—Do you think that Sind would be able to raise sufficient capital for its irrigation and other developments if it had a Government of its own ?

A.—Well, this question can be met by loans and other schemes.

(*Sir Muhammad Shafi*) —The irrigation scheme will convert Sind into one of the granaries of the world

Q.—As regards loaves and fishes of office, you say that there are disputes in the Punjab. Do you think there would be a great mitigation in these quarrels if there were a Public Services Commission ?

A.—Oh, yes.

Q.—For the making of these appointments and not leaving the Ministers to do it ?

A.—By all means.

Q.—But would you advocate it ?

A.—Certainly, let there be a Public Services Commission.

Q.—As regards the Secretary of State's Council, you object to its existence ?

A.—I object.

Q.—Is it your impression that the Indian Members of the Secretary of State's Council are appointed on the recommendation of the Government of India ?

A.—They must be. I take it they are. That is the general rule

(*Mr. Chairman*).—That is laid down in the Government of India Act, as to who appoints them.

Q.—Do you know that the work of the Secretary of State's Council is generally done by means of sectional committees ?

A.—Yes, there are committees.

(*Mr. Chairman*).—*Q.*—Have you any experience of the working of the Secretary of State's Council ?

A.—All my knowledge is derived from books. I have no personal experience whatsoever.

Q.—Of the working or the appointment or the methods that are employed in the Secretary of State's Council ?

A.—All this information is contained in books.

Q.—You have no personal experience ?

A.—I have no personal experience.

(*Dr. Paranjpye*).—*Q.*—Is it one of your objections to the Secretary of State's Council that Indians are not put upon the more important committees of the Secretary of State's Council ?

A.—My objection is to the Council itself.

The President then thanked the witness who then withdrew.

Thursday, the 21st August, 1921.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair

Witness :—Mr. B. S. Kamat, on behalf of the Deccan Sabha, Poona.

EXAMINED BY THE CHAIRMAN.

Q.—You appear on behalf of the Deccan Sabha ?

A.—Yes.

Q.—That is a political body ?

A.—Yes.

Q.—In Poona ?

A.—Yes.

Q.—Can you tell the Committee something about its constitution ?

A.—The Deccan Sabha was constituted about 25 years ago—I think about 1896—by the late Mr. Ghokale.

Q.—How many members has it got ?

A.—I am not quite sure about the membership I think it is not very large.

Q.—Can you give us some idea ? 100 or 200 ?

A.—It must be between 150 or 200 at the outside.

Q.—What is the qualification for belonging to the Sabha ?

A.—There is no special qualification. People who are interested in politics and who belong to the liberal political complexion are admissible as members.

Q.—Without any distinction of Muhammadans or Hindus or any other distinction ?

A.—Irrespective of any caste, or community.

Q.—Are Muhammadans on it ?

A.—I do not think there are any Muhammadans, but I know there are some Parsees.

Q.—Speaking generally, what classes belong to it ?

A.—The membership is chiefly composed of Hindus, as in the Deccan the Hindus are in a majority.

Q.—Is it a Mahratta body ?

A.—Not necessarily.

Q.—Would there be more Mahrattas than other people ?

A.—Are you speaking of Mahrattas in the strict sense of non-Brahmin Mahratta ?

Q.—Loosely.

A.—The membership is composed of Brahmins, Mahrattas, Parsees, and all castes.

Q.—Is it a registered body ?

A.—I do not think political associations are allowed to be registered.

Q.—Why not under the Indian Companies Act ? Anyway, it is not registered ?

A.—No.

Q.—You have got a paid Secretary ?

A.—No. There are two or three Secretaries, who are honorary Sec. retaries.

Q.—What office do you hold in that body ?

A.—I am one of the Vice-Presidents.

Q.—Who is the President ?

A.—Sir Hormusji Wadia. Mr. Sastri is also one of the Vice-Presidents.

Q.—It is not then entirely confined to Bombay ?

A.—I might call Mr. Sastri a Bombay man as the Servants of India Society has its headquarters at Poona.

Q.—It is not restricted to the Bombay Presidency ?

A.—No.

Q.—It operates generally ?

A.—Members from any part of the country can join it.

Q.—What is the executive ?

A.—There is a Council—that is to say, something like a Managing Committee.

Q.—Is it a big one ?

A.—It is composed of about 25 members.

Q.—What I want to get at is this. Was this memorandum circulated to all the members of the Council ?

A.—This was passed by the Council.

Q.—At a meeting ?

A.—At a meeting of the Council.

Q.—On page 2, paragraph 5 (1) of your memorandum you say : “ During the life of the first Legislative Assembly, the Executive could carry on its necessary administration only by the good-will of the Assembly.” Do you regard that as a satisfactory position ?

A.—What is meant to be shown is that but for the good-will of the Assembly, administration or legislation would not have been smoothly possible.

Q.—Do you regard that as satisfactory ?

A.—So far as it goes.

Q.—You say, “ During the life of the first Assembly, the Executive could carry on its necessary administration only by the good-will of the Assembly.” During the first Assembly, the Assembly had complete control of the Executive—I won’t say complete control, but great control of the Executive ?

A.—In what sense do you mean ?

Q.—I merely quote your own statement, “ During the life of the first Legislative Assembly, the Executive could carry on its necessary administration only by the good-will of the Assembly.” My point is, therefore the Assembly had control of the Executive ?

A.—Not necessarily.

Q.—Then would you explain that ?

A.—Wherever there was mutual good-will they could work with reference to legislation, but it does not mean that the Assembly had control over the Executive.

Q.—That is how it reads.

A.—I do not see that meaning there.

Q.—If the Executive could only carry on the necessary administration by the good-will of somebody else, that somebody else must have had control of the Executive ?

A.—It does follow. Even supposing there had been no good-will on the part of the Assembly, there were the other powers in the Executive.

Q.—But as a matter of fact, your point is I take it that owing to the good-will which existed the Government did carry on without using those powers ?

A.—Yes. Owing to good-will they had not to use every day their reserved powers.

Q.—Then the basis of the arrangement was reasonably satisfactory and it depended on the good-will of the Assembly ?

A.—Yes.

Q.—Would you accept what we had from an *ex*-Minister yesterday or the day before, that almost any constitution will work with common sense and good-will ? Would you accept that ?

A.—Yes.

Q.—Will you accept the converse that no constitution will work without good-will and common sense ?

A.—Certainly, there must be a certain amount of reasonableness on either side.

(*Sir Sivaswami Aiyer*).—*Q.*—Is there a middle proposition between the two ?

(*Mr. Chairman to Sir Sivaswami Aiyer*).—You can put that when you examine the witness.

Q.—You say, “ The difficulty has been still further aggravated in the second Assembly, whose conduct has been one of constant warfare with, or obstruction to, the Executive ” That, of course, is a very unpleasant position. But that will arise under any constitution ?

A.—Not necessarily.

Q.—But it has arisen for example under the English constitution ?

A.—I do not know exactly about the English constitution.

Q.—My point really is this. Can you devise a constitution so perfect that you may not have a state of obstruction ?

A.—There are obstructions and obstructions. If there is obstruction on the part of the Assembly, on the part of the Legislature, and if they can step into the shoes of the Executive, then it is an entirely different kind of obstruction.

Q.—Take the Irish obstruction in the House of Commons. They could not step into the shoes of the Executive, but still they were very troublesome ?

A.—I am not precisely aware of the position of the Irish and the Scottish members, but what I do know is that unless those who obstruct

are also in a position to step into the shoes of the Executive, the obstruction is bound to lead to a continuous deadlock.

Q.—I am not really contesting that point at all, but what other constitution will you have.....

A.—Do you mean that it is not possible to devise a constitution without having some sort of obstruction ?

Q.—Which will prevent obstruction ?

A.—I have answered your question to a certain extent. The kind of obstruction referred to in this paragraph is not the kind of obstruction which you are referring to.

Q.—One small point in that paragraph. You are not correct, I think, in saying that the Governor General has any powers of restoration. It is the Governor General in Council, is it not ?

A.—Yes.

Q.—That is a small point ?

A.—Yes.

Q.—Should I be wrong in saying that paragraph 5 summed up comes to this, that you have an irremovable Executive which is in a minority in the House ? Will that fairly sum it up ?

A.—It is not precisely summed up in the manner I want to.

Q.—You know that has been the argument ?

A.—An irremovable Executive.....

Q.—In face of a parliamentary majority.....

A.—In face of a majority as we have described it here is an impossible position.

Q.—That is the position that I was putting to you ?

A.—Yes. I was a member of the first Assembly, but not of the present Assembly. I stood for the second Assembly, but was not elected.

Q.—Did you ever hold any office under Government ?

A.—No.

Q.—Excepting that you were a member of the Assembly ?

A.—Yes. I do not think that that is an office under Government.

Q.—I mean it is a public office in any way ?

A.—Yes.

Q.—In reference to sub-paragraph (2) of paragraph 5 where you refer to the constant and interminable references to the India Office—what is your information based on ?

A.—My information is based on the working of the three years of the first Assembly. So far as legislation was concerned, we had often to wait for sanction—at any rate that was the impression on our minds. So also for administrative matters, or even for budget procedure, or financial adjustments, we had to wait for the sanction of the Secretary of State.

Q.—Of course, I think there were references to the India Office, but you use the words constant and interminable. Were they interminable ?

A.—Everything must have a termination, but that is not what is meant.

Q.—But the suggestion is that they were very greatly delayed ?

A.—I think that is a correct statement so far as certain matters go.

Q.—So far as your experience went ?

A.—Yes. Take for instance the Fisher Committee's Report and the resolutions passed by the Assembly. It took something like two years to get a decision from the Home authorities.

Q.—Sub-paragraph (4). You are dealing with the question of votable and non-votable items, and you say, "This provision of the Act is framed and also interpreted in a way which shows an amount of distrust of the Legislature." Would you explain to the Committee what you mean by that ?

A.—Under the present Act there are certain items which are non-votable. Now, for instance, the defence, military vote,—that is not open to the vote of the Assembly. As a matter of fact I think the whole of this provision in the Act is based on a distrust of the people.

Q.—Would you have everything votable ?

A.—You mean military ?

Q.—Everything.

A.—Certainly, yes, subject to one condition that if military happens to be a subject for which the Governor General is responsible he should have the power of restoration of the grant.

Q.—In the proper interpretation of the term that should be non-votable as it is ? Under this section which you complain about—section 37A—the non-votable heads are the following. (1) Interest and sinking funds. Would you allow them to be votable or non-votable ?

A.—I think in the last Assembly there was some dispute over the meaning of sinking funds, whether railway annuities can be classed as sinking funds.

Q.—The question is whether you would allow interest and sinking funds to be votable or non-votable ?

A.—Sinking funds in the strict sense of the term.

Q.—In the proper interpretation of the term that should be non-votable ?

A.—In the strict interpretation of the term sinking funds, they should be non-votable.

Q.—“Expenditure of which the amount is prescribed by or under any law.” Is that to be votable or non-votable ?

A.—There, again, it is a very wide term, “expenditure of which the amount is prescribed by or under any law.”

Q.—You would limit it in some way ?

A.—Yes.

Q.—In what way ?

A.—Anything could be prescribed by law, and I do not want this phraseology here. For instance, certain services if they are prescribed by law I would not mind, but this present wording is too wide and too vague.

Q.—You say services. For example, the pay of the Governor General in Council is prescribed by the Government of India Act. Would you let it be non-votable ?

A.—It must be non-votable. I think under other constitutions too it is non-votable.

Q.—Supposing an Act of the Legislature says so much is to be paid to certain men would you allow it to be votable or non-votable ?

A.—Well, the Governor General's salary can be treated as non-votable.

Q.—Take for instance in England the Speaker's salary is fixed by Parliament. Would you allow that to be non-votable ?

A.—Even here you have the President's salary non-votable although I am not prepared to make it non-votable.

Q.—The President's salary is not prescribed by law ?

A.—In fact, here nearly all salaries and even allowances, are non-votable. It is too much.

Q.—My point is this. Would you confine this to a case where either an Act of the Parliament or an Act of the Indian Legislature fixes a definite sum, or would you even in that case require it to be voted ?

A.—Certain salaries—the salary of the Governor General for instance, fixed by law, during the period he holds office of the Governor General should be non-votable. I admit.

Q.—That is not my point. You have an Act of the Indian Legislature fixing, for instance, the salary of the town clerk of Simla—that has already been fixed by Legislature. Would you require a second vote on that.....

A.—If you have Public Service Acts regularly cataloguing certain posts and certain salaries I would not subject them to a second vote, but in such Public Service Acts giving certain posts and certain salaries which are safeguarded by Acts I do not think these salaries and pensions of.....

Q.—We are not dealing with that. We are dealing with no. (ii).

A.—My remark even applies to that unless by law you confine certain posts and certain salaries to a definite area.

Q.—Sub-clause (ii) says, expenditure of which the amount is prescribed by or under any law. I am not dealing with salaries and pensions. I put to you a general question whether expenditure as laid down by an Act of the Indian Legislature—you want to have that voted in the budget or not ?

A.—If it is prescribed by law and if it is only with reference to certain posts and if you have got Public Service Acts regulating the salaries and posts of the Public Services, then to that extent only I would not have a second vote.

Q.—I take it, it really comes to this that unless you are satisfied with the contents of the Act you would like to have a second vote ?

A.—My point is this, the words " anything prescribed by law " are too vague and too wide, and in order to circumscribe that, what I would have is not to give this wide power but to frame Public Service Acts and then have a list of certain posts with definite salaries, and those only should be non-votable.

Q.—I am not having in mind the public services. It may be that the Act requires the Government of India to pay Rs. 10,000 to a college. I do not want to get at the services question.

A.—If you are not having the services in mind.

(*Mr. Jinnah*).—*Q.*—Supposing any expenditure is prescribed by law if you were not satisfied with that, would you not rather amend or improve that law rather than make it votable by the Legislature ?

A.—Certainly, I would amend the law.

Q.—That is my point.

A.—In that case I would amend the law.

Q.—Then salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council. Do you object to that?

A.—I object to that.

Q.—On what ground?

A.—In the first place in principle it is not right that the Secretary of State in Council should have the recruiting power in his hands with reference to either small or big offices. So far as appointments made by His Majesty are concerned, they are entirely in a separate category.

Q.—Then you would amend the section—I merely want to get at what amendments you would make—leaving out the words “or by the Secretary of State in Council”, but retaining the words “appointed by or with the approval of His Majesty.”

A.—Yes.

Q.—The next item is salaries of chief commissioners and judicial commissioners.

A.—These I would make votable.

Q.—You know that the salaries of high court judges are not votable?

A.—Yes.

Q.—Why do you distinguish between a judicial commissioner and a high court judge?

A.—As a matter of fact I would leave out both and make the salaries of even High Court Judges votable.

Q.—You would like to have the salaries of High Court Judges made votable?

A.—I should like to have that.

Q.—You would amend the section to make the salaries of judicial commissioners votable?

A.—Yes.

Q.—Then you would delete (*w*) altogether?

A.—Yes.

Q.—Will you now refer to (*v*)? Expenditure classified by the order of the Governor General in Council as ecclesiastical. Would you delete ecclesiastical?

A.—I would entirely delete ecclesiastical.

Q.—Political?

A.—Under our scheme political and defence.

Q.—I want you to answer my question. Would you delete political?

A.—As the statute stands at present, I would make political and ‘defence’ votable, subject to this: so far as ‘defence’ is concerned the Governor General should have the power of restoration for the safety and tranquillity of the country. Under our scheme, if you would allow me to refer to that, I would make it a subject for which the Governor General is responsible and in that case naturally he should have the power of restoration, because he is responsible to Parliament.

A.—Yes.

Q.—Then you recognise the fact that as long as Government is responsible for a subject, he should have the power of restoration ? That is what your statement comes to. You say that under your scheme you would give the Governor General the power of restoration in the case of defence because he was responsible to the subject.

A.—As the statute stands at present, I said I would give him the power to restore only if he feels that the safety or tranquillity of the country is in danger.

Q.—You would give him the power because he is responsible, and you recognise that as long as Government is responsible to any subject it must have the power to make its order effective ?

A.—Yes, by power of restoration. In the first instance the whole of the vote should come before the Assembly.

Q.—Quite so. Still you recognise that a responsible Government must have the power to make itself financially effective.

A.—It must have the ultimate power only in the name of safety and tranquillity.

Q.—You object to the word "interests" in section 67 ?

A.—I object to the word "interests". It is too wide.

Q.—Is that based on a discussion in the House ?

A.—I think that has been an old grievance of people in India. In fact, ever since the Government of India Act was passed in 1919 we had been objecting to the term "interests".

Q.—You would leave the words "safety and tranquillity" ?

A.—Yes ; there it should stop.

Q.—You do not object to that ?

* *A.*—We do not object to those two.

(*Sir Arthur Proom*).—*Q.*—I think you suggested a third word, but you are not quite sure what it should be ?

A.—If there is a difficulty we say drop the word 'interests'.

(*Sir Henry Moncrieff Smith*).—*Q.*—Do you think that the safety and tranquillity would cover every case that might arise ? Suppose there is a very necessary department, not essential for safety or tranquillity and the Assembly refuses to vote any money for it, do you think that that department should be shut down ? I mean something in the nature of a nation-building department ?

A.—That is entirely a different class. If you mean that by the insertion of the word "interests" you should have the power of carrying on a department, I think it is not a desirable power. You want to cover everything under the word "interests".

(*Sir Henry Moncrieff Smith*)—*Q.*—You want to take the word "interests" away. What I am asking you is enough. Do you think the words "safety or tranquillity" will go far enough. I have put to you a case and I want to know whether from your point of view an essential department is to be shut down because no money is voted for it. Should there be no power of restoration ?

A.—Government should accept the situation and shut that department down rather than come into conflict with the Assembly.

(*Sir Henry Moncrieff Smith*).—*Q.*—That would be a case where it would be in the interests of British India to restore the grant. Is it not ?

A.—Who is to interpret what is in the interests of British India ? Of course, the Executive

(*Mr. Jinnah*).—Q.—Is not this your point ? The vote of the Assembly should not be over-ruled by power of certification unless it is a matter of very grave importance ?

A.—Exactly so.

(*Mr. Jinnah*).—Q.—Unless it is a matter of very grave importance ?

A.—Yes.

(*Mr. Jinnah*).—Q.—You take safety and tranquillity as the ground on which a grant should be restored ?

A.—These are the two grave situations in which there should be the power of certification.

(*Sir Henry Moncrieff Smith*).—Q.—Law and Order only and not General Administration ?

A.—If you widen the whole thing there is no end to it. Where will you stop ?

(*Mr. Chairman*).—Q.—We have got your views on that. Safety and tranquillity are the tests.

A.—Yes.

(*Maharaja of Burdwan*).—Q.—Is it possible to substitute the word "progress" for a word like "interests".

A.—A good many things are necessary to be done, and yet they are not for progress.

Q.—In page 5 of your Memorandum I see you repeat what we heard from other witnesses that one of the difficulties in the working of the present administration in the provinces is the treasury control of the Finance Department ?

A.—Yes.

Q.—What practical experience have you of that ? On what do you base that statement ?

A.—I have no personal experience there, because fortunately I was not a Minister.

Q.—Is it based on what you heard from the Ministers or is it based on your reading of the result ?

A.—It is based on the rules and the provisions of the Act.

Q.—It is based on the rules ?

A.—Devolution Rules. It is under section 36 of the Devolution Rules. If the Finance Department is in the hands of an Executive Councillor, naturally it follows that the Minister would be handicapped in carrying his schemes through.

Q.—On the ground that he would naturally have a bias in favour of his own department ?

A.—Not a bias. But he is at a disadvantage because that department is in the hands of an executive councillor.

Q.—The executive councillor would naturally have a bias in favour of the Reserved Departments ?

A.—Yes, it is the executive councillor who has the bias in his own favour. That is my point.

Q.—If you amend the rule which puts the Finance Department in charge of a member of the executive council, have yet anything else against the treasury control ? Will it satisfy you ?

A.—Even then the rules would not work smoothly. So long as there are two departments, transferred and reserved, it might happen that schemes of one department might clash with the schemes of the other department ; and so long as Ministers have not the right to challenge the schemes of the other departments, they are not likely to have an opportunity to get priority for their own schemes and the schemes of the Reserved Departments may obtain priority over the schemes of the Ministers.

Q.—You do not think even if you had a separate department, not held by a Member of the Executive Council common to both departments, the difficulty would arise ? If the Finance Department was a department not controlled either by a Reserved or a Transferred Member or a Minister, as the case may be, even then you think difficulty would arise ?

A.—Do you mean that the Finance Department should be outside the control of both ?

Q.—That is what I do mean.

A.—I do not see how that would be possible.

Q.—Why not ?

A.—It must remain under the control of this or that department under the local Government.

Q.—Why should it be so ?

A.—As a department it must be under the control of some branch of the Government.

Q.—Not necessarily under the Local Government ?

A.—Under whose branch would it be subordinate ?

Q.—The Controller General. If it is taken right outside the Government ?

A.—Then possibly it would facilitate the work of the ministerial side of the Government.

Q.—Only possibly ?

A.—I say it will facilitate.

Q.—It has been said that Ministers do not have a fair share of the money because the Finance Department is in charge of an Executive Councillor. Would they not get enough money if the department is in charge of a perfectly independent authority ?

A.—The best course would be to have the Finance Department in the hands of the Ministers.

Q.—Then would there not be the same complaint from the reserved side ?

A.—Abolish the two branches and give it over to one unitary Government.

Q.—I am putting the case to you as the rule stands, not as it might stand. You see no objection, at any rate, to treasury control ?

A.—In every Government there must be some treasury control. If you mean departmental control, in that case let the departmental control remain, but so far as the organisation of policy and the schemes are concerned, I think the Ministers must be masters of these so far as finance is concerned.

Q.—But no properly constituted Finance Department has any right to interfere on the ground of policy ? The Finance Department interfere for financial reasons ?

A.—When they examine the scheme they throw cold water on the whole scheme on the ground of finance.

(*Sir Sivaswamy Aiyer*).—*Q*—Have you any experience of the working of the Finance Department and the degree to which they interfere with other departments?

A—I am speaking from the rules. I am not speaking from personal experience.

Q.—There is nothing in the rules by which the Finance Department can interfere on grounds other than financial grounds.

A.—Is it not the case.... .

Q.—Could you show me the rule? I do not pretend to be familiar with the rules. I am just asking whether there is anything in the rules which lays this down?

A.—They do so if not directly then indirectly. They have the tendency to throttle the schemes of the Ministers

Q.—But there is nothing in the rules?

A—Not specifically under any rule but indirectly.

Q.—They are biased against the Ministers?

A.—Yes. I admit that matters could be facilitated if it is under a neutral department. But it would not be the best possible thing

Q.—It might meet the particular point I had in my view. Would you please refer to sub-paragraph (4) on page 5 of your Memorandum? There it is stated . “ In short insufficient joint deliberation and want of collective responsibility have been the chief drawbacks of the dual system.” It has been brought before us on several occasions that the joint deliberation is enjoined by the Instrument of Instructions. But it is limited by other things Supposing the Instrument of Instructions was amended and joint deliberation directed in all cases, will it meet your point?

A.—Even supposing there is an enforced joint deliberation by so many rules, I do not think the working of this dyarchy would be smoothed.

Q.—That is a possible thing. But you complain of insufficient joint deliberation. That is the particular evil I am trying to remedy. If the Instrument of Instructions was so amended as to direct joint deliberation in all cases, will it meet your difficulty?

A.—It would at best lessen the defects of the present system.

Q.—Would it meet that particular complaint?

A—It would simply lessen the evil of the whole system.

Q.—But it would not meet that particular complaint?

A.—Not as long as the two separate wings of Government remain.

Q.—I quite understand your objection and you may have many more objections. What I ask is whether it will not meet that particular complaint?

(*Mr. Jinnah*).—*Q*—Supposing you had no choice except to have your particular complaints remedied, will this complaint be not remedied if the Instrument of Instructions are amended to that extent?

A.—I have answered that question by saying that the evil would be lessened.

Q.—You say that another complaint is the want of effective responsibility. Supposing the Act of the Rules whatever might be necessary was so amended as to definitely lay down that Ministers will jointly and severally be responsible, will that meet your complaint ?

A.—No.

Q.—Please refer to sub-paragraph (5). There you refer to a system analogous to the system in some of the Dominions. Could you tell us what those Dominions are ?

A.—What is meant here is the system in the Australian constitution known as the Braddon's clause

Q.—Could you tell us what that clause is ?

A.—It was only a temporary arrangement.

Q.—Could you let us have the reference ?

A.—I think it is a well known arrangement. It was a temporary arrangement at one stage in the Australian constitution.

Q.—You mean during the ten years ?

A.—Yes, it was a temporary arrangement and it is not to be found in the permanent constitution.

Q.—I would not bother you with it now. Please let us have it afterwards.

A.—It was just a temporary arrangement in the initial stage of the constitution when the customs duties were distributed between the States and the Federal Government in a certain ratio.

Q.—How do you think this proposal of yours will work actually ? Have you ever worked it ?

A.—I have just thrown that out as a suggestion

Q.—So you do not know how it will work. The Memorandum states : " In this connection the Sabha ventures to suggest whether instead of the pie rate basis, some system analogous to the system in some of the Dominions may not be devised here by the recently appointed Taxation Committee, whereby a fixed share in Imperial Revenues, such as Income-tax, can go to the Federal Exchequer and the remaining share could be refunded to the Province, in proportion to the receipts collected in each Province " Have you tried that system ?

A.—It has not been tried in India.

Q.—But you have not made any preliminary calculations to see how it will work ?

A.—No, it has not been worked out in definite figures. I have thrown it merely as a tentative suggestion that the principle of this suggestion should be considered by the Taxation Committee.

Q.—Have you had anything to do with this, even roughly ?

A.—No.

Q.—So you have not tried it at all ?

A.—But it would be much better than the present pie rate system, because under that system the Bombay Government is getting nothing out of the income-tax, although that Government is contributing something like 42 per cent. to the Central Exchequer in income-tax receipts. Out of 20 crores, Bombay contributes about 8 to 9 crores, I think.

Q.—Please refer to page 6 of your Memorandum. I do not quite understand your point in the following sentence . “ Also the power of moving re-appropriations, so as to alter the destination of a grant from one head to another, though not between reserved and transferred, heads, which obtained in the old Councils should be allowed to the Legislative Councils ”. What is the point there ?

A—Under the present rules I think it is the Finance Department which has the power of re-appropriation. What is suggested here is that the members of the Legislature should have the power of moving a re-appropriation from one head to another provided the heads are transferred. This should be done during the Budget discussion.

Q.—Please refer to paragraph 12. There you say that the powers of control of the Governor General in Council over Local Governments be restricted for the purposes of safeguarding the interests of central subjects only. Would you look at rule 49? That rule lays down three limitations. One is to safeguard the administration of central subjects. You will agree to that ?

A—Yes.

Q.—The second is to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement. Would you object to that ?

A.—I would not object to that. But a better system would be to have an inter-provincial Commission in case of any doubts and disputes.

Q.—Would you not allow the Central Government to do that ?

A—I think an independent tribunal would be better.

Q.—Will it be set up by the Central Government?

A—Yes ; and to this tribunal disputes should be referred.

Q—Supposing there was a matter that required very early settlement, will this tribunal not be a sort of hindrance ?

A—If it was a question of urgency I would not mind. But generally or in the case of long-pending disputes between two provinces, it would be much better to refer the whole thing to an independent tribunal rather than to the Government of India.

Q—Would you take that view if the Government of India was no longer an official Government ?

A—I think the Government of India have certain prejudices and certain pre-conceived notions.

Q—Will these prejudices and pre-conceived notions go on with the next Government ? Do you mean to say that central governments have these prejudices *ex-hypothesi* ?

A—They have either certain preconceived notions or they have certain prejudices.

Q.—You mean all the central governments.

A—Generally all the central governments. So it is better to refer such disputes to an independent tribunal.

Q.—Is this the practice under any constitution with which you are familiar ?

A—I cannot exactly lay my finger on any particular constitution ; but there is the system of inter-provincial tribunal in one of the constitutions.

Q.—You mean one of the Colonial constitutions ?

A.—Yes. If you give me time, I will quote the authority.

Q.—Would you object to clause (3) of Rule 49 ?

A.—I would rather do away with it. For the sake of simplicity it is much better to restrict the whole interference of the central government only for purposes of safeguarding the administration of central subjects.

Q.—You say in paragraph 12 (2) that you should have a cabinet system and rules for transaction of business be framed after cabinet practice. Are you aware whether there is any rule for the disposal of the business ?

A.—There is no published rule. I think all the books on constitution do say that there are no definite rules.

Q.—Does it not depend entirely on the Prime Minister ?

A.—Yes ; and also on the unwritten usage.

Q.—I have always taken the view that it depends entirely on the Prime Minister.

A.—The Prime Minister does not even get the minutes and the whole thing. Everything is however regulated by the usage.

Q.—Do you think it is a safe thing for a country like India ?

A.—At the present stage it looks rather a difficult proposition but a beginning has to be made.

Q.—So far as the cabinet practice is concerned, as far as I know no record is kept and the whole thing rests on the recollection of the people who take part in it. Is it not rather a dangerous practice to be introduced in India which is a very big country ?

A.—I do not think it is dangerous in the sense in which you take it to be.

Q.—You want to follow the cabinet rules. But my information is that there are no such rules. I want to know whether you wish to have a system in which there is not to be any rule ?

A.—I do not see any danger in following whatever the practice may be.

Q.—Do you know what the rules are ?

A.—What we do know from books, at any rate, is that minutes are not kept and the Member's responsibility or decision is only fixed by the Prime Minister without definite rules.

Q.—You want to have rules for the transaction of business on cabinet practice ; as far as I understand there are no rules.

A.—Yes. There are no rules.

(*Mr. Jinnah*).—*Q.*—What rules do you want ?

A.—The present rules under our section 52, are kept more or less confidential so far as the relations of the Ministers and the Governor are concerned. If there are some rules in this country, I do not mind, although I see it would be quite against the cabinet practice. Certain definite rules for the guidance of Cabinet Ministers would not be objectionable.

(*Sir Muhammad Shafi*).—*Q.*—As I understand this paragraph 12 (2) of yours, your proposal is that the composition of Governors' Executive

Councils should be altered so as to have a cabinet system and rules for the transaction of business should be framed after cabinet practice. That word "after" means on the model of the practice adopted in Cabinet systems of government. You do not necessarily say that there are rules already in existence and framed by the cabinet, say in England, all you want is this, that the rules here should be in accordance with the practice adopted by the cabinet ?

A.—Yes. I say rules for the transaction of business.

(*Sir Muhammad Shafi*).—*Q.*—How can you recommend a thing you do not know ?

.1.—The cabinet practice is known from books and constitutions and not by actual personal knowledge. But if those books and constitutions give the correct idea of what the cabinet practice is, we want the same thing to be followed here.

Q.—To be put into rules ?

(*Mr. Jinnah*).—*Q.*—You want it framed on the model of Cabinet practice as it is reported in various books of constitutions ?

Q.—Will you look at section 46 (2) of the Act ?

A.—Yes.

Q.—You have suggested that should be amended so as to restrict Governorships to men outside the public services. Is there anything in section 46 (2) which prevents that being done now ?

A.—Well, the object of this suggestion is to restrict the appointment of Governors to men outside the public services as a specific restriction

Q.—You want a specific restriction that no public servant shall be appointed a Governor ?

A.—There is no specific restriction in the Act as it now stands and we want to introduce that specific restriction.

Q.—I understand your Association is not in favour of communal electorates, is that so ? Paragraphs 10 (1) and 13 ?

A.—In principle we do not like communal electorates, but as a matter of expediency we think they should continue for a certain time. We do not like that the present arrangement should be disturbed at this stage.

Q.—And in the same paragraph (13) you say you would alter rule 21 of the Devolution Rules. Would you abolish it entirely or what would you do to it ? It deals with the withdrawal of balances ; would you withdraw it altogether or modify it ?

A.—Personally I would abolish it entirely ; it does not give real sense of financial autonomy to the provinces at all. The Governor and his Legislature should be depended on to keep a reserved minimum of balance.

Q.—Would there not be some difficulties about that ? Are not the provinces as a rule overdrawn ?

A.—At present I suppose each province has entire control of expenditure so as not to go below a certain minimum, a figure beyond which it cannot go, and the programme of expenditure to a certain extent is regulated by the central government.

Q.—You still think you would cancel the whole rule ?

A.—I would do away with the whole rule.

Q.—You realise there would be some difficulties about this, if you cancel rule 21, in view of the fact that the provinces, are sometimes overdrawn to a large extent, two crores possibly ?

A.—Once the rule is not there, I think in time they would adjust their financial arrangements properly.

Q.—The mere fact of cancelling the rule will improve their financial position ?

Sir Muhammad Shafi.—Q.—Will you please turn to paragraph 5 (2) of your statement, about the middle of that paragraph, your Sabha says :—“ Apparently provision has been made in the Act under section 19-A for some relaxation of this control, but it has been contended on behalf of Government that rules for such relaxation cannot be framed so long as the Secretary of State, and his agents the Government of India are responsible to Parliament. It appears, however, to the Sabha that the very insertion in the Act of section 19-A by Parliament when it passed the Act in 1919 shews that Parliament did contemplate to make it possible for the Secretary of State to relax his control, although Parliament then knew that no element of responsibility existed in the Central Government ” In this passage does your Sabha refer to the Debate which took place in the Assembly on Dr Gour’s Resolution ?

(At this stage Sir Muhammad Shafi took the Chair).

A.—The Sabha had that debate in mind.

Q.—And the position which was taken up by the then Home Member in reply to the resolution is what you refer to in this passage ?

A.—Yes.

Q.—I believe you were in the House when that debate took place ?

A.—No, unfortunately I was in England last year when this debate took place, but I have looked up the proceedings.

Q.—Is it not a fact that all the non-official speakers who took part in the debate controverted the position taken up by the Home Member ?

A.—Yes they did.

Q.—Including Mr Rangachariar and Dr Gour ?

A.—Yes, and even Mr. Samarth, if I remember aright

Q.—I am referring to two lawyers by name with a specific object.

A.—Mr. Samarth is also a lawyer.

Q.—And Dr. Gour’s resolution was ultimately carried by a large majority ?

A.—Yes.

Q.—I take it from this passage that your Sabha is also of the opinion that action can be taken under section 19-A for relaxation of the Secretary of State’s control ?

A.—I shall explain the position of the Sabha, with all respect to the lawyer members of the Committee here because I am not a lawyer myself. The view which the Sabha takes is this. To some extent relaxation of the control might be possible, but it does not mean that the Secretary of State can divest himself of his responsibility to Parliament.

Q.—In other words the Secretary of State cannot remove his control ; he can restrict and relax it as the section says ?

A.—As long as he cannot divest himself of the responsibility any rules framed under section 19-A will not serve the purpose.

Q.—Then you go on to say in a subsequent passage :—“ However, whatever the interpretation of section 19 A on this point may be, the

Sabha is convinced that unless this control is relaxed either by rules or by a change in the Act, so as to give the Government of India the largest measure of independence of the Secretary of State which is compatible with the discharge of his own duties, the extreme rigidity of this excessive control will, in actual practice in coming years, prove more and more an impediment to good administration. Would you favour relaxation of the Secretary of State's control in cases where the Government of India and the Indian Legislature agree, no matter what the subject of that agreement may be ?

A.—No, I do not think a convention like that, if you mean a convention, is desirable.

Q.—No I do not mean a convention, I am simply talking of the extent to which you would like to see the Secretary of State's control relaxed or removed ; I am not thinking of conventions, or rules, or change in the Act. Would you like to see the Secretary of State's control removed or relaxed or restricted in cases where the Government of India and the Central Legislature are in agreement ?

A.—No, I do not want such limitation at all. I want entire abolition of the control of the Secretary of State.

Q.—Entirely removed, then what do you mean by saying, "consistent with his duties" ?

A.—That is according to what we demand now. The entire control should be removed not only under section 19-A or under section 2 or section 21, or section 20.

Q.—But if you mean the removal of the Secretary of State's control in its entirety, what do you mean by this expression, consistent with his own duties ?

A.—Are you referring to our scheme ? Under our scheme there are two subjects which will remain with the Governor General and as he will be responsible to the Governments, there will be a certain amount of responsibility which vests in the Secretary of State, namely, for Defence and political relations. It is these duties we refer to.

Q.—When you speak of entire removal of his control and say "consistent with his duties" there are some limitations you do contemplate in regard to Defence and foreign affairs ? With the exception of those two subjects, you would remove the Secretary of State's control entirely ?

A.—Entirely, and I think it cannot be removed under section 19-A whatever the construction may be.

(*Mr. Jinnah*).—Q.—I do not understand what you mean by this passage in paragraph 5 of your memorandum :

" However, whatever the interpretation of section 19-A on this point may be, the Sabha is convinced that unless this control is relaxed either by rules or by a change in the Act, so as to give the Government of India the largest measure of independence of the Secretary of State which is compatible with the discharge of his own duties, the extreme rigidity of this excessive control will, in actual practice in coming years, prove more and more an impediment to good administration "

You want the Government of India to be free from the control of the Secretary of State for India ?

A.—Yes.

(*Mr. Jinnah*) —Q.—Under section 19-A ?

A—Not necessarily under section 19-A but under every other section wherever the Government of India is controlled by the Secretary of State. Although here we are specifically referring to 19-A, so far as control is concerned it ought to be removed whether it is under section 19-A or any other section.

Q.—Now let us take those two subjects with reference to which you would not make the Government of India responsible to the Legislature, where you would still maintain the control of Government—that is to say, Defence and Foreign and Political relations. Now in regard to those two subjects, would you maintain the control which the Secretary of State at present exercises under the Act over the Governor-General in Council or would you make the exercise of that control also subject to—let it be a convention, let it be a rule, or let it be by an amendment of the Act—subject to this rule that where the Government of India and the Indian Legislature are in agreement, the Secretary of State shall not exercise his control ?

A.—With reference to those two subjects there is no question of convention ; there must be an unlimited and unrestricted responsibility to the Parliament, on this basis, there can be no question of agreement between the Government of India and the Indian Legislature.

Q.—You have not understood my question. With regard to all subjects other than Defence and Foreign and Political affairs you want to make the Government of India entirely responsible to the Legislature. Put that out of your mind. But with regard to Defence and Foreign and Political affairs you want the Government of India to continue to be responsible as at present. My question is this—with regard to these two matters would you maintain that extent of control over the Government of India given to the Secretary of State by the present Act, or would you relax that control in cases where the Executive Government and the Central Legislature are in agreement ?

A.—With reference to these two subjects I would not mind the same amount of rigid control if these two subjects are to be kept in the hands of the Governor General in Council. Let the control be as rigid as under the present Act—I wouldn't mind.

Q.—That is to say, even where the Government of India and the Central Legislature are in agreement in regard to any matter connected with these two subjects, you would still have no objection to the Secretary of State overruling the two ?

A.—Whenever they do agree, if they agree, it would be better if the Secretary of State does not interfere.

Q.—My question was would you relax the Secretary of State's control in these two subjects ?

A.—It would be better, certainly, if it is relaxed

(*Mr. Jinnah*).—*Q*—It is on the assumption that the Act is not to be amended, the constitution is not to be amended—on that assumption, would you, under section 19-A, rather have it as it is or have it that the control of the Secretary of State should be relaxed over the Government of India in such matters where the Government of India and the Legislature agree ?

A.—I would have it relaxed.

Q.—Well now, similarly in the case of provinces, are you in favour of relaxation of the Governor General in Council's control where the provincial Government and the provincial Legislature are in agreement ?

A.—Are you referring to any particular section of the Act ?

Q.—No, generally.

A.—Well if the local Legislature and the Executive agree, there should be no interference from the Government of India.

Q.—Kindly turn to paragraph 9 of your memorandum. There you say "The subject of ' Defence ' and ' political relations ' should, under the above proposals, remain in charge of the Governor General. But for purposes of the Budget, the expenditure under these two heads should remain entirely votable, subject, however, to a power to the Governor General to restore any grants pertaining to these subjects, that may have been refused by the Legislature " Well, a suggestion has been made that with regard to Defence a portion of the expenditure should be non-votable and a portion votable—that is to say, a minimum figure should be laid down, say 50 crores. Up to that 50 crores the expenditure would be non-votable, but any proposals involving expenditure over and above the sum of 50 crores should be votable by the Legislature. What do you think of that proposal ?

A.—An arbitrary figure of 50 crores would be one alternative. I would rather have some other method. Just as in the case of the Civil Departments there are certain recurring annual charges, so in the case of the Military Budget certain recurring charges should not be subject to vote. But any extraordinary expenditure, like the Waziristan expenditure, should necessarily come to the Assembly for vote, and the Governor General should not be in a position to spend like that.

(*Mr. Jinnah*).—*Q.*—How will that help ? Supposing the expenditure is already incurred on an expedition ; then comes the vote before the Legislature—what would be the effect of that vote ?

A.—As a matter of fact the Governor General has the ultimate power.

(*Mr. Jinnah*).—*Q.*—You don't follow my question. Try and follow the question before you answer it. You said that you would subject any extraordinary expenditure such as the Waziristan expenditure to the vote of the Legislature. Well, after the expenditure is incurred what would be the result or the effect of an adverse vote by the Legislature ?

A.—My object is that generally the amount should not be spent in anticipation. You are taking a contingency which I have not contemplated.

(*Maharaja of Burdwan*).—I do not see how the question can be solved in the way Mr. Kamat wants. There may be no legislative meeting for some time and the expedition may be absolutely necessary.

A.—Well in case of urgency, supposing an expedition comes all of a sudden.....

(*Maharaja of Burdwan*).—*Q.*—It does come all of a sudden generally ?

A.—Then the Governor General in Council should spend but still he should bring it before the Assembly at the earliest opportunity.

(*Mr. Jinnah*).—*Q.*—For what purpose ? The expenditure is already incurred. Just to give the Assembly the pleasure of discussing it ?

A.—As a matter of form and for *post-facto* sanction because it was a matter of emergency.

Q.—You advocate certain changes generally. Now your proposal no 1 refers to the provisions of Part V of the Government of India Act—section 45 (1). It is that the powers of control of the Governor General in Council over Local Governments should be restricted for the purpose of safeguarding the interests of central subjects only,—that is to say, the power of control at present exercised under the Act by the Governor General in Council in subjects other than central subjects should be entirely removed. Is that the meaning of your proposal?

A.—At present the distribution of legislative power between the Central Government and the Local Legislature is rather unfair.

Q.—I want to know the exact nature of your proposal. You would confine this control to central subjects only?

A.—For instance, there may be two or three categories of subjects. There should be exclusive power with reference to central subjects with the Government of India, but with reference to other subjects which are not subject to legislation by the Indian Legislature, although there is a good deal of previous sanction necessary, the control should be removed.

Q.—Apart from what are central subjects strictly so called, would you remove the Governor General's control in matters pertaining to law and order in the provinces—absolutely remove his control?

A.—Well, I would like to have a clear distribution between the central and local legislatures; reserve certain things to the exclusive power of legislation of the Central Legislature and give if possible exclusive power to these local legislatures in certain other matters. Having done that, I wouldn't interfere.

Q.—That is the general principle which you would lay down. I am asking you in regard to a specific matter. Would you remove the control of the Governor General over the Provincial Governments in regard to matters pertaining to law and order in the provinces?

A.—Once you assign subjects on the basis I suggest, there should not be any interference.

Q.—Pardon me, that is no answer to my question. My question is would you remove it in the case of law and order?

A.—In the case of law and order it is to a certain extent necessary that the central government should have certain controlling powers.

(*Sir Henry Moncrieff-Smith*).—Q.—May I ask—do you think a clear-cut division of subjects possible?

A.—If we follow the Canadian constitution, it is possible.

Q.—Your position in general really is that the control of the Governor General in Council in matters of purely internal provincial administration should be removed. Is that generally your position?

A.—Not only in administrative but even in legislative matters.

Q.—I did not use the word administration in its technical sense.

A.—Quite right.

Q.—Well, in paragraph 13 (1) you say—"The composition of local legislatures as provided in section 72A may be retained as at present for some time but it should be provided that communal electorates would continue not beyond only a few years." Would you provide this by rule or

by independent agreement between the communities, or would you bring about this change hereafter whenever circumstances are favourable by mutual agreement of the communities ?

A.—It is very difficult to foresee the development of political feelings and the course of events, but if communal electorates are to be removed at any date it should be by mutual agreement when the feelings of the two communities are far better than they are at present.

Maharaja of Burdwan.—**Q.**—Mr Kamat, you have practically replied to the two points I had in view in replying to Sir Muhammad, but I should just like you to amplify your answers a little more. If you will please look at your last page where you sum up in clause (1) you say—"In the provisions of Part V of the Government of India Act, section 45 (1), the powers of control of the Governor General in Council over Local Governments be restricted for the purposes of safeguarding the interests of central subjects only." I think you have indicated in some place what the central subjects should be. Have you not ?

A.—I don't think we have given an indication of what the central subjects should be.

Q.—Some witnesses before us have given an indication of what the central subjects should be, *viz.*, Defence of India, naval and military works, cantonments, external relations including naturalization of aliens, pilgrimages beyond India, relations with States in India and political charges. Would you consider that if any division were possible between provincial and central subjects, the central government should only control the subjects that I have mentioned in so far as they relate to the provinces ?

A.—You are speaking about legislative power ?

Q.—You say here that you want the Governor General's control over the Local Governments should be restricted

A.—Yes.

Q.—What I said was, several witnesses have given us concrete proposals as to what should be the central subjects. Would you be willing to agree that, if some of these subjects had relation to provincial governments, the central government should control the provincial governments only to that extent and no other ?

A.—Once certain subjects are assigned to the provinces, there should be no interference from the central government.

Q.—What I said was that several witnesses have come before us and given us their idea as to what the central subjects should be, and I have given that list to you. If you agree that these are to be the central subjects, would you further agree that only in these matters the central government should interfere with the provincial governments and in no other matters ?

A.—That is exactly what I mean. They should interfere only in these matters and in no other.

Q.—You say that "section 46 (2) should be amended so as to restrict Governorships to men outside the Public services, preferably to men with Parliamentary experience in England." You belong to a Presidency where you have all along had men with Parliamentary experience from

England. Have you any experience of any province over which a Civil Servant has been Governor or Lieutenant Governor ? Have you any personal experience that because he was a Civil Service man, the province has suffered, or is it merely what you have heard ? What is your objection ? Is it merely sentimental ?

A.—It is not a sentimental objection. It is in the new system. If responsible government is to be worked, the men who are to work it along with the Ministers should be, as far as possible, men who do not inherit any traditions, or who have no ideas about prestige or who have no bias.

Q.—You say you want men who do not inherit any tradition. You don't consider Parliamentary experience in England a tradition ?

A.—Certainly, it is a tradition of very good kind.

Q.—In other words, you do not want men who have inherited any tradition in India ?

A.—Men who inherit certain traditions peculiar to the Services and their superior

Q.—It comes to this, that you do not want any man who has inherited traditions in India to be at the head of a province.

A.—It comes to that. I want men with the best of traditions, I mean Parliamentary traditions.

Q.—You do not consider that the traditions inherited in India are the best of traditions for administration ?

A.—Not for the purposes of working responsibility with Ministers.

Q.—Please turn to paragraph 13. You say "The composition of local legislatures, as provided in Section 72A, may be retained as at present for some time, but it should be provided that the communal electorates would continue not beyond only a few years." I think in reply to Sir Muhammad Shafi you said that when communal representation goes, it should go by mutual agreement. Am I right ?

A.—Quite right.

Q.—Am I to understand from this that you are generally against communal representation ?

A.—In principle I think communal electorate is an evil. Perhaps it is a necessary evil in the present state of things in India.

Q.—Your inclination is for a mixed electorate rather than a communal electorate ? I am sure you do not want to deprive any community from getting a certain amount of representation, but you think that eventually, by mutual consent, it would be better to get these representatives through a mixed electorate rather than on a communal basis. Is that your opinion ?

A.—I expect—I hope a day may come when all communities are so far developed that they may themselves feel that communal electorate would be unnecessary.

Q.—The day will never come when you have got a council only of Muhammadans, or only of Hindus or only of Buddhists or Jains, as India is constituted. You will always have to have these sects and castes. Therefore, whether you get Muhammadans in by communal representation or by a mixed electorate is a matter of opinion. What is your opinion ? Would you rather have these different classes represented by a mixed electorate or by the communal electorate which is popular in India at the present moment ?

A.—Well, in the case of Muhammadans, the communal electorate would be suitable; in the case of other communities a mixed electorate with reservation of seats is a good working arrangement.

Q.—That is, you prefer a mixed electorate with reservation of seats rather than communal representation?

A.—With the exception of Muhammadans for the present.

Sir Henry Moncrieff Smith—*Q.*—You told the Chairman just now that so far as your experience and your opinion went, matters had been delayed by constant and interminable references to the India Office?

A.—Yes.

Q.—You say in the course of this para. “Constant and interminable references to the India Office in the matter of legislative measures of no importance are difficulties which impede the administrative machine.” I think that the Committee would like to know what legislative measures of importance or of no importance were, as far as your opinion goes, impeded by references to the India Office.

A.—It is not possible....

Q.—You are talking about legislative measures in the central Indian legislature.

A.—It is not possible for an outsider, even for a Member of the Assembly, to specifically say which particular piece of legislation was delayed, because the date when sanction was applied for and the date when sanction was received are not within the knowledge of the Member. But this statement is based on the fact—it is a well-known fact, I think—that no piece of legislation could be introduced in the Assembly without the previous sanction of the Secretary of State.

Q.—Where did you get that fact from?

A.—I do not know that it is contradicted.

Q.—I entirely contradict it. It is an entire misrepresentation. I flatly contradict it.

A.—Do you mean to say that no previous sanction is necessary and that only the Secretary of State is simply informed of the proposed measure?

Q.—In hardly any case is this previous sanction of the Secretary of State necessary. I say “hardly any case”, because there are certain classes of legislation requiring his previous approval but in the ordinary class of legislation, and particularly in legislative measures of no importance which are referred to in this paragraph, there is certainly no previous reference to the Secretary of State. However, I can give the Committee evidence on that point perhaps better than you will be able to?

A.—Certainly.

Q.—Can you refer me now to any particular measure in your mind which in your opinion was probably delayed because of the necessity of reference to the Secretary of State?

A.—Was not the Racial Distinctions Bill held up for some time over a particular clause because the Government of India wanted to ask the Secretary of State his sanction or his opinion about British subjects being sentenced?

Q—I do not want to go into details I am just getting a list of the Bills I have not got the papers with me here but I can satisfy the Committee on this point of what delays have happened The Racial Distinctions Bill is one in your mind. Did you refer to that as a legislative measure of no importance?

A.—The instance which I gave was the one which struck me at the moment as the outstanding example. But what is referred to in this paragraph is perhaps not the Racial Distinctions Bill. You asked me for an instance and I mentioned the one which came to my mind at the moment.

Q—Is there any other Bill, I put it to you, of importance or no importance, which in your opinion was delayed by this necessity of reference? “Constant and interminable” are your words I want, if I can, to be plain with you. I want you to admit that there is a considerable amount of exaggeration in this paragraph.

A.—Do you object to the word “interminable”? Perhaps it is only a phrase not to be strictly construed.

Q.—We will cut it out entirely What about “constant”?

A.—Constant, of course—you now say that these measures are not referred to the Secretary of State. My own opinion was

Q.—Would it surprise you to hear that perhaps in some half a dozen cases legislative measures in the Indian Legislature were referred to the Secretary of State in the first three years of the reforms. It would surprise you?

A.—Certainly . . .

Q.—Then you say in sub-paragraph (4) on page 3 : “This provision of the Act—you refer to section 67A—is framed and also interpreted in a way which shows an amount of distrust of the Legislature”. What exactly was in your mind or in the mind of your Sabha when they put in these words “and also interpreted”?

A.—What the Sabha was referring to was perhaps the Resolution in the Assembly with reference to the interpretation of the last phrase in section 67A (3).

Q.—Whether the Governor General had power to direct that certain excluded items should be submitted to the vote or whether it was only a power to allow discussion?

A.—No. What I had in my mind was whether in section 67A (3) the expression “unless the Governor General otherwise directs” applied to both the provisions—discussion as well as to vote—whether the Governor General had not discretionary power to put both before the Assembly.

Q.—That is purely a matter of legal interpretation?

A.—I know. Subsequently, however, in order to set the doubt at rest, I think the Government of India obtained legal opinion from the Law Officers of the Crown.

Q.—Do you suggest that the legal opinion of the Law Officers of the Crown was tinged by political considerations?

A.—I do not mean that. The Law Officers of the Crown may have given their opinion, but after all, such legal opinions are the opinions of single individuals, and if I might add a remark here, in another case I know that the legal opinion from the Law Officers of the Crown has not been treated by the Government of India with an amount of finality,

whereas in this case it has been said that it should be treated as final. The case I am referring to is the case of certain other words in section 86B— the interpretation of “existing or accruing rights”.

(*Mr. Chairman*).—Q.—How did you know of the opinion of the Law Officers of the Crown?

A.—I am not talking of the opinion. I am talking of the fact that that opinion has not been treated as final whatever that opinion may be.

(*Mr. Chairman*)—Q.—How did you come to know of that opinion?

A.—That was in the Lee Commission's Report.

Q.—What do you mean by saying “it compels the Assembly to utilise its voting powers arbitrarily”?

A.—What I am referring to is what happened in the first Assembly. The members, because they could not cut down certain non-votable items, arbitrarily cut down five per cent. all round in the case of all items. That is arbitrary.

Q.—Was that not an exhibition of irresponsibility on the part of the Assembly?

A.—I do not consider that a piece of irresponsibility at all. They had no other course left open to them to bring the Government to the proper frame of mind.

(*Sir Sivaswami Aiyer*).—Q.—Justifiable irresponsibility?

A.—That course of course was perfectly justified.

Q.—Was not that course much to the detriment of harmonious administration as you say?

A.—It certainly disturbed harmonious relations.

Q.—Only it was justified?

A.—It was justifiable for an ulterior purpose, and it had a very good effect in bringing the Inchcape Committee.

(*Sir Sivaswami Aiyer*).—Q.—In the Bombay Legislative Council a similar rough and ready expedient was adopted and that lead also to retrenchment?

A.—Yes. It led to a retrenchment of something like 60 lakhs.

Q.—In paragraph 10 (3) you say, “The right of introducing private legislation in Provincial Councils has been affected by reason of the previous sanction of the Governor General being necessary under section 80A on the ground of the proposed private legislation affecting some of the subjects enumerated in sub-section (3) of section 80A”. You refer there specifically to private legislation, but you will admit that the provisions of section 80A apply just as much to Government legislation as to private legislation.

A.—Certainly, I realise that and I have my objections to delays caused to both.

Q.—You make a specific suggestion in paragraph 12 (4). “Legislation on provincial subjects should be freed as much as possible from the present restrictions of previous sanction of the Governor General in Council being obtained”. That is rather vague for our purpose. Cannot you give something really more definite?

A.—Let me go at once to clause (f) where the chief mischief lies, that is, “regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to

legislation by the Indian Legislature, in respect of any matter to which such declaration applies."

Q.—And you say that the number of subjects which are classified as "subject to legislation" by the Central Legislature should be reduced to the minimum?

A.—Yes.

Q.—Have you examined the Devolution Rules, and can you tell us, when you say that they should be reduced to the minimum, what subjects you would retain among the provincial subjects to be subject to legislation by the Indian Legislature?

A.—The list of subjects "subject to legislation" by the Indian Legislature is such a long one.....

Q.—That is why I put the question that way, what subjects would you retain as subject to legislation by the Indian Legislature?

A.—I will just give a concrete instance to illustrate what I mean. You refer to rule 26, Part II, Provincial subjects,.....

(*Mr. Chairman*).—*Q.*—Would it not be more convenient if you would just put in a statement showing the subjects you would retain "subject to legislation" by the Indian Legislature?

A.—I can give you a list. I will send one if you will allow me to Meantime, to illustrate what I mean by a concrete instance which is perhaps well known to some members of this Committee, I think refer to a recent Pombay Bill. In industrial matters, settlement of labour disputes is a transferred provincial subject. The Bombay Government recently prepared a trade disputes Bill. For certain reasons which I do not quite know, although the Bombay Government after two years labour prepared a Bill, they were asked not to go on with it.

Q.—For certain reasons which you do not know?

A.—I am not clearly in possession of the facts why this was held up, but the fact.....

Q.—The Governor stated the reasons in the Local Council?

A.—Because the Government of India wanted to frame an all-India Bill—is that the reason?

Q.—That the Government of India had a legislative proposal of its own in an advanced stage and they thought that it was better that legislation on those lines should be for the whole of India rather than that there should be divergent legislation in the provinces. That was the reason given in the Council.

A.—Very well; my answer to that is that the provinces with reference to transferred subjects should be allowed to go on if they are ready with any particular piece of legislation and to develope on their own lines there is no reason why they should be held up because the Government of India are thinking of passing some all-India measure.

(*Mr. Chairman*).—*Q.*—Will you kindly supply that list?

A.—Yes.

Sir Sivaswami Aiyer.—*Q.*—You were told that any constitution could be worked with good-will and mutual co-operation?

A.—That is not what I said, I think.

Q—You were told ?

A.—Yes.

Q.—You were also asked whether any constitution could be worked without good-will and co-operation ?

A.—Yes.

Q.—What is your answer to both those questions ? Does it follow that constitutions do not matter ?

A.—Constitution is the chief thing. But a constitution would be successful only if there is good-will and reasonableness on both sides. A bad constitution, whatever the amount of good-will, will never work.

Q—Do you think that a constitution which is of a highly complex character and which depends upon a delicate system of checks and balances is a good constitution, or one which is meant to stand a certain amount of rough usage ?

A.—A constitution which has too many checks, safeguards and counter-safeguards, would not be a workable constitution.

Q—It is liable to break down ?

A.—Yes.

Q.—Do you think that it is desirable not to depend too much upon such co-operation and good-will and adjustments ?

A.—I would rather take the other contingency. Even supposing there is no good-will a constitution should be framed to be workable and it should not depend only on good-will.

Q—Perhaps in one respect the present constitution is a good one because it provides for such a large number of safeguards ?

A.—I do not know whether that is an advantage.

Q.—In paragraph 5 (2) you say, “ It has been a noteworthy phenomenon, that the Government of India, although willing to meet the demands of the representatives of the people in a liberal spirit, were presumably pulled up by the Secretary of State ”. Have you any specific cases in view ?

A.—One notable case that occurs to me now is perhaps the resolution in the first year of the first Assembly in September 1921, when on Mr. Mazumdar's resolution on Indian autonomy the Government of India through the then Home Member accepted to communicate to the Secretary of State a resolution on behalf of the Assembly that the then circumstances warranted a re-examination of the constitution. The second instance I have in view is about the agreement over the Esher Committee report resolutions moved by yourself and which were not objected to by the Government of India, and which were forwarded to the Secretary of State : in a good many matters in those resolutions, I think, the Secretary of State did not allow the Government of India to proceed according to their agreement with the legislature

Q—In paragraph 5 (3) you say, “ The time has arrived to amend the Act in such a manner as to enable the Government of India to manage their own financial operations in England through the High Commissioner, and not necessarily through the Bank of England, subject, however, to such moneys as may be prescribed under any law to be reserved in the hands of the Secretary of State to meet his obligation in England.” Do you think that the High Commissioner is a better machinery for transacting financial business than the Bank of England ? Or did you merely

intend to suggest that the Secretary of State's control should be minimised ?

A.—What the Sabha intends here is that financial operations in England should be through the High Commissioner and not through the Secretary of State. The Secretary of State should be divested of his powers to operate India's finances.

Q.—But you have no objection to the transactions being carried through with the help of the Bank of England, through the machinery of the Bank of England ?

A.—I do not object to the Bank of England if the High Commissioner chooses to place the money in the Bank of England. Now the restriction is that the whole of the money should be placed with the Bank of England, and that means that not even a single rupee could be transferred to any other Bank. I do not like that arrangement. If the High Commissioner thinks that the bulk of the money should be in the Bank of England, by all means let him do it. But if he wants to transfer a portion of the money to some other Bank, or to the branch of the Imperial Bank of India in England, he should be able to do it. It is an enabling thing that I want

Q.—You do not think on the whole that the retention of the machinery of the Bank of England would be an advantage ?

A.—Certainly.

Q.—As it is the soundest financial concern ?

A.—You restrict under the present law operations only to the Bank of England ; every other bank is tabooed. I want an enabling section that if it is necessary and if it is considered desirable by the High Commissioner he may be in a position to transfer a portion of India's money to some other bank.

Q.—It is possible to invest money in something like the Alliance Bank of Simla. Is it not desirable to safeguard ?

(*Mr. Jinnah*).—*Q.*—Is it obligatory at present that the money should be invested in the Bank of England ?

A.—I think it is obligatory. It is in one of the sections of the Act, Mr. Jinnah.

May I just add one remark about your (Sir Sivaswamy Iyer's) question ? The Australian Commonwealth make their own arrangements in England to place their money in any bank they choose.

Sir Arthur Froom.—*Q.*—Mr. Kamat, I will leave it to my Honourable colleague to continue this question. But would you empower the High Commissioner to be the sole deciding person as to whether he should transfer any of the monies of India to any bank other than the Bank of England ? At present the High Commissioner is a man of considerable financial ability. You might have another High Commissioner who has not got the same financial ability. Would you entrust that power to one man to go and select any bank he likes ?

A.—Even the Secretary of State is not necessarily a financier.

Q.—I am speaking of the High Commissioner.

A.—My answer is that the Secretary of State is not necessarily a financier. He takes the advice of the Finance Department of the India Office. Similarly the High Commissioner, if he is not a great financier, can take the advice of the Finance Department of the India Office.

Q.—But then you give him the final decision It might open up all sorts of avenues.

A.—If the Secretary of State who is not a financier can go wrong similarly the High Commissioner can go wrong. The judgment of one might go wrong as the judgment of the other.

Q.—Under the present Act you are safeguarding the monies of India. That is my point. Under the Act there is a safeguard for the monies of India. So long as England goes on the Bank of England will go on.

A.—I do not entirely prohibit the money being placed in the Bank of England. What I want is that if a portion of the money is to be transferred to some other bank, the High Commissioner should be enabled to do it You are asking the question on the supposition that I am tabooing the Bank of England.

Q.—Are you aware that there is a rule, at any rate in the province from which both you and I come, that certain bodies, Municipal Bodies and Port Trusts, have got to bank with the Imperial Bank ?

A.—Yes.

Q.—They do not want to take any risk with their money ?

A.—All public bodies put their money in the Imperial Bank.

Q.—My idea is that it would be an extraordinary thing to give to one man the power of putting the monies of India in any bank ?

A.—I see no reason. After all it is only a question of giving some one man that power, in the one case it is the Secretary of State, and in the other it is the High Commissioner. After all, one man. Is that your point ? Is there any other point ?

Q.—My point is you propose to give power to one individual to go and invest the monies of this country in any bank he likes—the balances of this country that they hold in England ?

A.—No, not in *any* bank he likes.

Q.—Who is going to restrict him ?

A.—He will be guided by the Finance Department of the India Office.

Q.—I may come to you for advice. I am not necessarily going to take it Here the man is controlled by the Act.

A.—Even the High Commissioner, who is after all an agent of the Government of India, will take the advice of the Government of India. After all he would not take action in an irresponsible manner.

Q.—I would rather restrict his action. That is all. I will leave that question. I would like to take you to paragraph 9, the subject of Defence and political relations. You propose that the expenditure in connection with these should be votable and at the same time you said you agreed that the Governor General should have the power of restoration. Is not that so ?

A.—Which paragraph are you referring to ?

Q.—Paragraph 9, page 4. You agree that the subject of Defence should be a reserved central subject, but at the same time you consider that the monies in connection with Defence should be votable by the Legislative Assembly.

A.—Quite so.

Q.—And then you go further and say that you think that the Governor General should have the power of restoration ?

A.—Yes.

Q.—Don't you think it may lead to unnecessary irritation ? I put it to you that it is much better to leave it non-votable than first of all give the Assembly power to vote and then placing the Governor General in a position of possibly being obliged to say "I will listen to you, but I am not going to pay attention to what you say."

A.—I think there is greater irritation if 50 or 60 crores are non-votable. If on the other hand the people's representatives are trusted to vote in the first instance, subject to this reserve power, I think there would be less irritation.

Q.—But you ask them to vote and say that at any rate their vote carried no weight. Don't you think that it might cause irritation ?

A.—I think people will exercise their vote with a certain amount of responsibility.

Q.—They have got no responsibility there, because the Governor General can restore it straightaway ?

A.—Only in case he considers that it is necessary for the safety or tranquillity of India.

Q.—But I put it to you that the application for the money would not come before the Legislative Assembly unless it was necessary in the Governor General's opinion ?

A.—No ; in the ordinary course it would under our proposals. Under our proposals it would.

Q.—We must agree to differ there I think it would raise unnecessary irritation which I am anxious to avoid ?

A.—It is a matter of opinion. I think if people are trusted, there would be less irritation than otherwise.

Q.—You are not trusting because you give the power of restoration.

A.—People will realise that there is the ultimate power of restoration only if they behave in an irresponsible manner.

(*Sir Henry Moncrieff Smith*).—Q.—Can you say that the Legislative Assembly since its creation has never taken a certain line in regard to a certain piece of legislation with the object of forcing the Governor General to us his power of certification under the Act ?

A.—Not with the determined idea to force him, but the ultimate result has been that he was obliged to certify.

(*Sir Henry Moncrieff Smith*).—Q.—You do not think that there was all the time at the back of the minds of those who took that action any ideas that they were forcing the Governor General to use his purposes ?

A.—No ; not for that purpose.

Q.—Possibly not in the first Assembly ?

A.—I am referring to the first Assembly. I do not know anything about the second.

Q.—Your Society does not approve of the system of dualism. I am very glad to see your Society does not use the word dyarchy.

A.—We have particularly avoided it.

Q.—You do not approve of the system of dualism. You consider it to be a bad system ?

A.—Yes, quite so.

Q.—With regard to communal electorates, you also consider they are bad. I think you have told the Committee that you consider that communal representation is a necessary evil which must go on for some little time yet in view of the present conditions of India ?

A.—Yes. In principle it is a bad thing.

Q.—Probably you do not like communal representation, but you regard it as necessary in the present condition of the country ?

A.—As a necessary evil.

Q.—Don't you think, similarly that the system of dualism might be considered necessary under the present conditions ?

A.—Not necessary at all. Dualism is an unnatural system.

Q.—And communal representation might be regarded as unnatural ?

A.—Not necessarily. It is necessary I agree, but I do not think that it is an unnatural way of conducting an election in any country.

The witness was then asked to appear before the Committee on Monday the 25th August 1924.

25th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at 10.30 a.m., the Honourable Sir Mian Muhammad Shafi in the Chair.

Examination of Mr. B. S. Kamat—continued.

Mr. B. S. Kamat.—Before we proceed, Sir, with your permission, I should like to make one correction in the evidence I gave on Thursday last. It is with reference to the question of the votability or non-votability of the salaries of the High Court Judges I stated on Thursday that they should be votable. I want to correct that statement and say that they should be non-votable, because the fact that the High Court Judges are appointed by His Majesty escaped my attention for the moment.

Dr. Paranjpye—*Q.*—Mr. Kamat, you told us that you are representing the Deccan Sabha ?

A.—Yes

Q.—For how long has the Deccan Sabha been in existence ?

A.—I think this Sabha is in existence since 1896.

Q.—Under what circumstances was it started ?

A.—There was a Sabha in Poona called the Sarvajanik Sabha, which was till then the people's political body. There were quarrels in this Sabha and a reactionary policy had come over the actions of certain members. In order to get away from that reactionary policy, I think it was the late Mr. Gokhale and the late Justice Ranade who started the present Sabha. It was under their inspiration that this body was started.

Q.—And it has been since its foundation recognized by Government ?

A.—I think it has been recognised by Government.

Q.—And it also receives literature from the various Governments and its memorials are considered by Government ?

A.—Yes.

Q.—You yourself personally are interested in industrial and trade affairs ?

A.—To a certain extent I am. At present I am concerned in promoting a certain industry.

(*Sir Muhammad Shafi*)—*Q.*—Dr. Paranjpye is also the Vice-President of this Society ?

A.—No. I think he has never been a Vice-President.

Dr Paranjpye (*to Sir Muhammad Shafi*)—I was a Vice-President but I resigned, because the conditions of our College do not allow us to hold any office.

Q.—You are interested in industries ?

A.—Yes.

Q.—You do not think that the proposals that you make for provincial autonomy in the provinces and a great deal of responsibility in the Central Government will affect your personal interests. The point has been occasionally put to us that the people with a stake in the country are not always in favour of a great political reform. I suppose you do not entertain any apprehension on this matter ?

A.—I have not the slightest apprehension with reference to industries or with reference to any interests of landlords. I do not think that their interests would suffer if in the provinces there is full autonomy.

Q.—You were a member of the Bombay Legislative Council, I understand, for 8 years—from 1913 to 1920 ?

A.—I was a member of the Bombay Legislative Council from the end of 1912 to the end of 1920, till the old régime of the Council expired.

Q.—You were a member of the Legislative Assembly in its first term ?

A.—Yes.

Q.—Will you kindly inform the Committee what were the special subjects on which the Legislative Assembly appeared to be keen during your membership ?

A.—During my time I think the Assembly concentrated during its first year on the further constitutional advance in the shape of Mr. Majumdar's resolution on Indian autonomy.

Q.—Can you tell us what was the attitude of Government on that point ?

A.—The attitude of Government then was, if I might so describe it, one of benevolent neutrality. At any rate, Sir William Vincent, who was then the Home Member, did not care to oppose forwarding the resolution to India Office. I think he agreed to communicate the desire of the Assembly for further constitutional advance to the Secretary of State, and a resolution was drafted saying, as far as I remember it now, that the circumstances warranted a re-examination of the constitution.

Q.—And the Legislative Assembly was, I believe, on the whole fairly well satisfied with this benevolent attitude of Government ?

A.—I think during the first year we were satisfied with the attitude of the Government Benches.

Q.—What happened on this question in the later years ?

A.—This question was communicated to the Secretary of State as far as we knew and after the lapse of a great deal of time a reply from Lord Peel was received. That reply was not satisfactory. I think Lord Peel's despatch pointed out that there were certain avenues under the present constitution which should be explored before any re-examination of the constitution could be undertaken by the India Office.

Q.—Was it the impression of the Members of the Assembly that this change in the attitude of the Government of India and the Secretary of State was due to a change in the personnel of the India Office ?

A.—I think most of the members thought that this change at the other end was due to the advent of Lord Peel at the India Office.

Q.—What were the other subjects in which the members of the Legislative Assembly were interested ?

A.—The other subjects on which an advance was pressed by the Assembly were the subjects of the Indianisation of the military and also the military expenditure, chiefly the resolutions on the Esher Committee's report which was moved by a distinguished member of the Assembly, I mean Sir Sivaswamy Iyer. These resolutions were very comprehensive and they pressed on the attention of Government the necessity of Indianisation, larger number of Commissions for the Indians, training facilities, establishment of Military training colleges there like Sandhurst military training college and so on.

Q.—And these resolutions were accepted by the Government of India ?

A.—These resolutions were agreed to. They were not opposed by Government.

Q.—They were not accepted by the Secretary of State ?

A.—I should not say that they were not accepted by the Secretary of State in their entirety, but in many respects they were not accepted.

Q.—And the irritation of the Assembly in the last year, for instance, was to a certain extent due to this downing of these resolutions ?

A.—That was one of the main causes of the irritation caused in the minds of the Assembly.

Q.—You certainly have, I suppose, some ideas about the continuance of such a state of things in the future. Here the Legislative Assembly and the Government of India were in practical agreement and the Secretary of State vetoed their resolutions. What do you propose for the future ?

A.—The temper of the Assembly was to apply all the methods under the Rules and the present constitution and to bring about, either at the budget time or at some other time such pressure as members were capable of.

Q.—Were there any other important questions—I am talking only of the main questions—in which the Assembly was interested ?

A.—The other question taken up by the Assembly was to try to liberalise the present constitution. For instance, a resolution was moved by a member, who is now a member of the Tariff Board, Mr. Ginwala, asking for the removal of the restrictions for votability and non-votability of Budget Grants. The fourth attempt was made by Dr. Gour to liberalise the constitution when he moved his resolution to have some rules framed either under section 19A or section 45A and perhaps section 129A. The attempt of Dr. Gour was to induce Government to explore such methods and such avenues for liberalising the constitution as Lord Peel had suggested in his despatch.

Q.—What was the fate of this resolution ?

A.—Even there the attitude taken by Sir Malcolm Hailey, who was then the Home Member, was that nothing substantial could be done as long as the interpretation of that section was that the responsibility of the Secretary of State can never be extinguished.

Q.—In short, the Legislative Assembly started with a very great amount of good will and when it saw that under the constitution its good will led to no great practical effect, it began to be rather more critical in its attitude ?

A.—Certainly that was the case. It started with a good-will in 1921. In 1922 that good-will almost dwindled down. In 1923, chiefly owing to other causes which I have not so far mentioned, such as salt-tax and the restoration of certain grants, for instance, the grant asked for the Royal Commission on Public Services, that good-will practically disappeared and the Assembly and the Executive were almost at daggers drawn.

Q.—Passing to another point. You speak about a complete separation of provincial finance from the Government of India finance. Is it not so ?

A.—Yes ; so as to have financial autonomy for the provinces.

(Sir Muhammad Shafi).—Q.—You have just spoken of the vote for the Royal Commission being restored. Did you not as well as the other members of the Legislative Assembly understand that that vote would be restored for certain reasons ?

A.—Certainly we realised that it would be restored.

(Mr. Jinnah).—Q.—Do you think that it ought to have been restored ?

A.—We realised that it would be restored. If we had thought that the grant ought to be restored, we never would have opposed it. I said that we realised that it would be restored by the Government.

(Mr. Jinnah).—Q.—You know that notwithstanding your opinion it would be restored ?

A.—Certainly.

Q.—You say that the provincial finance should be entirely separated from the Government of India finance ?

A.—Yes.

Q.—Are you aware that one of the reasons for this demand is that the Government of India does not allow any interests on the large provincial balances remaining with the provincial governments ?

A.—I believe that is correct.

Q.—Except on the famine balance ?

A.—Although I am not quite conversant with these financial details, that is the impression I have.

Q.—The Bombay Government, for instance, is required to keep a minimum balance of 33 lakhs. Its occasional balance is 4 or 5 crores. The Government of India borrows in the market at a certain amount of interest, but it does not allow the Government of Bombay any interest on the large balances which are with the Government of India. Is not that a fact ?

A.—That is a fact.

Q.—You also mention on page 5, sub-paragraph (3), that "the right of introducing private legislation in Provincial Councils has been affected by reason of previous sanction of the Governor General being necessary under Section 80A and so on." Have you any actual complaints to make about this private legislation ? Can you quote any instances where the introduction of private legislation has been interfered with by Government and unjustly in your opinion ?

A.—I can recall to mind one or two cases from the Bombay Legislative Council of private bills going up to the Government of India. But before I give the history of those two cases as far as I know that history, I think I must make it clear to the Committee that we are not basing our demand in this sub-para. merely on those two instances. We are basing it on general grounds which I shall state later on. The first instance I have in mind is that of a private Bill sent up by an M. L C. from Poona. This happened, I think, in the year 1921 and the Bill was about the question of prohibition of liquor. The member who drafted that Bill is since dead and I have no means of verifying the grounds on which permission was refused to his Bill. But between 1921 and 1923 till he died I think that Bill did not see the light of day. For what reasons, I am unable to say.

The second instance I have in mind is the instance of a Bill prepared by another M. L. C. from Satara for the introduction in the Bombay Legislative Council during the first term of that Council. It was a Bill concerning certain charitable and religious endowments. It was prepared by him, I think, at the instance of the Bombay Government because in the course of the debate in the Council the Bombay Government had suggested to him to redress the grievance by a Bill. They suggested that the question should be tackled in the shape of a private Bill. That was why the Satara M. L. C. prepared the Bill and sent it up to the Government of Bombay. I do not think any further attempt has been made to introduce a Bill in the Bombay Council. These are the two instances that I can recall to mind.

Now, I wish to state my reasons why I say that the present procedure about the previous sanction of the Government of India should be simplified in order to give facilities to members to introduce Bills. In the first place, I think private Bills are more or less prejudiced, or are apt to be prejudiced in some cases, as the Governor General is apt to prejudge either the merits or the demerits of a private Bill by merely looking at the skeleton of it ; whereas if the procedure allowed is to wait till all the amendments to the Bill are threshed out in the Select Committee or if public opinion is elicited, he would be in a much better position to judge of the merits or the demerits or the justifiability of the Bill. And secondly I think this procedure of previous sanction of the Governor General is superfluous.

Q.—You think the power of veto will be quite enough ?

A.—Yes, as there are other checks as the Governor's assent and power to reserve a Bill also the Governor General's veto would be quite enough.

(*Mr. Jinnah*).—*Q*.—Would you do that with section 80A. ?

A.—No, it does not follow ; section 80A is concerned with so many other things.

Q.—What Bills do you suggest the previous sanction of the Governor General should be required for ?

(*Sir Muhammad Shafi*).—*Q.*—Supposing a private Bill trenches on a central subject, would you allow that to be introduced in the Provincial Council without the previous sanction of the Governor General ?

A.—Certainly not, but what I say is the present rule should be revised so as to allow the Government of India to safeguard their interests so far as trenching on central subjects is concerned by some other method.

(*Mr. Jinnah*)—*Q.*—Look at section 80A. What are the matters in which the previous sanction of the Governor General should be done away with, have you considered it ?

A.—I have considered it, at least sub-clause (f). Section 80A concerns various things, and I have in my mind certain subjects which are marked as "subject to legislation" by the Indian legislature, that is to say subjects in which both the provincial government and the central government have concurrent powers. Now wherever there are these concurrent powers, a Member wishing to introduce legislation has to come up for previous sanction to the Government of India.

(*Sir Muhammad Shafi*)—Q.—Mr. Jinnah's question was, in what respects is it your opinion that the previous sanction of the Governor General should not be required? Look at section 80A, it says in such and such cases, the cases are specified in the section itself, no legislation shall be introduced in a Provincial Council without the previous sanction of the Governor General. The question put to you is in connection with which of these points would you desire that the sanction of the Governor General should not be required?

(*Sir Henry Moncrieff Smith*).—Q.—Did not Mr. Kamat promise to put in a 1st ?

(*Mr. Jinnah*).—Q.—That was in connection with central and provincial subjects.

(*Sir Henry Moncrieff Smith*).—Q.—I thought it embraced this too?

A.—It is practically the same point; here previous sanction is necessary for all subjects under clause (f). Then again under Rule 27, Schedule III, of the Devolution Rules, certain subjects are marked as subject to legislation by the Indian legislatures. Now take as a concrete case, any of those subjects and then apply my objection to that, and you will be able to realise what I say.

(*Mr. Jinnah*).—Q.—That is to say, the Governor General should not interfere in those subjects which are provincial subjects in matters of legislation, that is to say previous sanction should not be asked for?

A.—Not in all provincial subjects.

(*Mr. Jinnah*).—Q.—Then in what provincial subjects?

A.—You have demarcated a certain category as provincial transferred subjects, but still they are subject to legislation by the Indian legislature. I give a concrete case and then I shall explain my position. In that category comes, for instance, labour welfare; that is a subject with reference to industries according to the Devolution Rules. Suppose I, as a Member of the Bombay Council, wish to introduce a private Bill about labour welfare, under section 80A (f), previous sanction of the Governor General would be necessary, whereas I contend that, as that is a provincial subject, no previous sanction should be necessary, some other procedure should be devised.

(*Mr. Jinnah*).—Q.—Well, I take it you object to the previous sanction with regard to those subjects which are transferred subjects?

A.—It does not come to that, not necessarily all transferred subjects. You have marked certain transferred subjects as "subject to legislation by" the Indian legislature; there the difficulty comes in.

Q.—But at any rate in regard to private legislation, you consider the sanction of the Government of India is not absolutely necessary except when the case is absolutely clear that it is not really a subject for provincial legislation?

A.—Yes, the necessity for previous sanction should be done away with and a veto afterwards may suffice.

(*Sir Henry Moncrieff Smith*).—Q.—May I ask who is to decide whether the case is absolutely clear that it is one for provincial legislation ? Would you desire that some such words as "absolutely clear" should be introduced in the rules ?

A.—I am not quite sure whether I could suggest a remedy on the spur of the moment, but I can suggest one thing, subject to correction. If the Government of India empower an officer in the Legislative Department of the Local Government with full instructions to him on what lines he is to examine private Bills, possibly matters would be facilitated.

(*Mr. Jinnah*).—Q.—With regard to whether it trenches on a central subject or not ?

A.—Yes.

(*Mr. Jinnah*)—Q.—Would it not be better to have a private tribunal in case of disappointment, to decide whether it trenches on a central subject or not ?

A.—If they had it, so much the better.

Q.—The preliminary examination as to the class in which such legislation would come might perhaps be left to the President of the Council to do ? He might decide *prima facie* whether a Bill comes within the Government of India's powers or the Local Government's powers ?

A.—If the President of the Council happens to be a lawyer, he could possibly do it safely from the point of view of the Government of India. If he happens not to be a lawyer, it might lead to some complications.

(*Sir Muhammad Shafi*).—Q.—Then your suggestion is not that section 80A, sub-section (3) relating to previous sanction should be altogether done away with, but that previous sanction should not be required in purely provincial subjects ?

A.—Yes, in certain subjects marked as "subject to legislation" by Indian legislature.

Q.—Passing to another point. You are from the Deccan, where the Brahmin, non-Brahmin question is fairly prominent ; not so prominent as in Madras, but fairly prominent, and we have had several witnesses giving their opinion on this matter of communal representation. What is your opinion on that question ?

A.—In the Deccan the question of communal representation is acute only between the Mahrattas and the Brahmins.

Q.—You yourself belong to what community ?

A.—I belong to the Saraswat Brahmin community, not to what is called here the "Poona" Brahmin community.

Q.—What is the position about communal representation ?

A.—At present the position is that the Mahrattas have certain seats reserved for them in a mixed electorate, I think seven in the Deccan. Experience has shown that there has been a tremendous awakening among the non-Brahmin Mahrattas during the last four or five years, either by newspapers started by them or propaganda, meetings, etc., financed by

wealthy persons in the Mahratta community. As a result of that awakening I think they are now, looking to the result of the last two elections, fairly able to stand on their own legs and secure an adequate number of seats for their own community. Instead of seven seats, e.g., at the last election they secured 11 or 12. One nominated member in the Bombay Council is also a Mahratta representing the labour interest. Taking that seat, they have got more than 11 seats, and I do not think therefore that they have any grounds to be dissatisfied with the position. If at all it is the Brahmins who are now suffering because in a mixed electorate, if there are, say, seats for a District, there is one seat reserved for the Mahratta and even for the other seat Mahratta candidates stand, and as they are in the large majority in villages, they capture even the second seat and deprive the Brahmin community of chance for the other seat ?

Q.—Do you propose any special safeguard for the depressed classes ?

A.—In the matter of their election ?

Q.—They have at present, as you know, one nominated seat ?

A.—So far they are dependent on nomination only. If there is a mixed electorate, and if the principle of reserving seats is to be continued for a certain number of years, I think it would be better to give them, instead of nomination, a chance to come in by reserved seats.

(*Sir Sivaswami Aiyer*).—*Q.*—How many of them do you think would be qualified to exercise the franchise ?

A.—It is very difficult to say, unless a beginning is made. Franchise itself is education ; let them begin to exercise the franchise.

Q.—What is the attitude of the educated classes as a whole towards the depressed classes ?

A.—The attitude of the educated classes in the Deccan, right from Brahmins down to all other backward communities has been latterly one of extreme sympathy, with a genuine desire to bring up the depressed classes.

(*Sir Muhammad Shafi*).—*Q.*—I suppose these depressed classes are spread all over the Presidency, some here, some there and some elsewhere ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—How would you constitute one single electorate for all of them, spread as they are all over the Province ?

A.—I believe in the Deccan there is hardly a village where there are not now Mahara, Chamars, etc. It is not that only one area in the Deccan is confined to these people.

(*Sir Muhammad Shafi*).—*Q.*—How would you constitute a single electorate for all the depressed classes in those circumstances ?

A.—It is possible to group two or three districts into a constituency for the people. It is only a matter of devising the machinery, but I do not think it is impossible to devise it.

Q.—Take for example the Poona District, one-fifth of the population are depressed classes ? Poona District has two seats ; you would not obviously reserve one seat for 20 per cent. of the depressed classes ? You would have to have special constituencies for the depressed classes consisting of three or four districts ?

A.—That is what I meant by means of a grouping system of districts, and say for the four districts round Poona to keep one seat reserved for them, or something like that.

Q.—What would you say to this, while allowing the depressed classes to participate in the general elections, to give them another vote for special constituencies made up of depressed classes ?

A.—I have not thought out exactly how that would work, but it seems feasible.

Q.—You have been a public man, taking an interest in public affairs very long, do you think the small recommendations which this Committee is authorised to make by means of alterations in the rules under the Government of India Act, or slight modifications in that Act itself, without changing its structure, policy and scope, do you think that would meet the present situation in the country ?

A.—Personally I think, if the recommendations of this Committee fall below the expectations of the reasonably minded public, there is bound to be a terrific discontent in the country.

Mr. Jinnah.—*Q.*—Mr. Kansat, you were a nominated member of the Bombay Council at one time ?

A.—Twice.

Q.—You were nominated both times ?

A.—Throughout my career in the Bombay Council I was a nominated member.

Q.—That was under the Minto-Morley Reforms ?

A.—Yes.

Q.—You were nominated by Government to the local Council under the Minto-Morley Reforms ?

A.—Quite so.

Q.—You command the respect and confidence of the Government of Bombay ? I mean they look upon you as a representative of the people ?

A.—I presume so.

Q.—Otherwise they would not have nominated you ?

A.—Yes.

Q.—And you belong, I take it—correct me if I am wrong, you belong to a sober political school ?

A.—If you give me the correct label of the political school, I shall know whether I understand you.

Q.—I mean you belong to a sober responsible political section of the country ?

A.—I think I decidedly do.

Q.—You are not a reckless politician nor are you an extremist ?

A.—I have never been ~~me~~.

Q.—And you are not a lawyer—you are a businessman ?

A.—Fortunately I am not a lawyer.

Q.—And you have a big stake both in Poona and in the Bombay Presidency ?

A.—Quite so.

Q.—Therefore I take it that you belong to a conservative school of politics ?

A.—In one sense of the term, I do.

Q.—In what other sense do you belong to the radical section ? All I mean is you are not in favour of any change which is likely to create chaos. You would not endorse any constitution or any change which is likely to create chaos ?

A.—Certainly I would advocate change which is safe and steady for the country, but if you say I am a conservative in other respects, of course I am not, I am a progressive.

Q.—No, I didn't mean that. I mean you will not put forward any proposals before this Committee which would bring about chaos ?

A.—Not in the least, because I have the greatest amount at stake in every respect.

Q.—Now, Mr Kamat, after the Government of India Act of 1919 you sought election to the Assembly ?

A.—Yes.

Q.—And you also contested the last election ?

A.—I did.

Q.—So you contested these two elections, and I suppose you came in contact with your voters ?

A.—Quite so.

Q.—Now I want to know from you, in your opinion is the electorate that you moved twice, once successfully and last time I think you failed—is that electorate an intelligent electorate ?

A.—The broad issues before the country are understood by the electorate exceedingly well.

Q.—Then you woul^d call it an intelligent electorate in that way ; it will be able to discriminate between important and big issues—broad issues ?

A.—That has been my experience.

Q.—And it is capable of returning competent representatives ?

A.—The word 'competent'

Q.—Very well I will say capable ; I stand corrected.

A.—Yes.

Q.—Now will you look ~~at~~ page 2 of your memorandum, paragraph 5, sub-paragraph (I). This is what you say there :—

"The Council of the Sabha desire to point out that the fundamental defect, inherent in the working of the Government of India Act, as seen in actual practice almost at every step, during the last three or four years, is the anomalous position of the Executive, which is responsible to Parliament

through the Secretary of State, but which is faced with a non-official elected majority of five-sevenths in the Legislative Assembly and two-thirds of elected members in the Council of State."

I want you to explain what you mean exactly by this ?

A.—Well, here the Sabha is putting its finger on what it considers to be a fundamental structural defect in the constitution as it stands now and the defect is—here is an executive which is always in the minority and is faced, under the Statute itself, with a large majority in the Assembly of elected members. Such a position, in the opinion of the Sabha, is not only a constitutional anomaly compared with the constitutions of other countries, but for administrative purposes it is an impossible position.

Q.—You mean impossible to work ?

A.—Impossible to work.

Q.—That is to say, Government supported by a minority, irremovable, and faced with a majority of elected members in the Legislative Assembly ?

A.—Quite so ; and we are fortified in this position by the quotation we have given in our Memorandum in some place from the Montagu-Chelmsford Report itself. That Report also mentions in some place that where there is an irremovable executive faced with an elected majority, you must either go back to autocracy or administration would be impossible in spite of all the goodwill of which we have been hearing ; because, goodwill is after all the grease, not the machinery itself.

Q.—Sometimes a sound machine, a sound constitution, produces better goodwill—doesn't it ?

A.—I cannot imagine it unless you give me a concrete case

Q.—For instance, if you know you are likely to go to jail for 7 years if you commit theft, you would not commit theft ?

A.—No.

Q.—You would hesitate ?

A.—Certainly.

Q.—Do you understand it now or not ?

A.—Yes, I see your point.

Q.—A sound constitution is likely to produce better goodwill. If the constitution is bad it leaves itself open to human nature and to human imperfections to take advantage of it ?

A.—Yes it gives play to all the bad feelings of human nature.

Q.—You understand that. (Now let us get to the second point. In your paragraph 5 sub-paragraph (2) you discuss section 19A. Have you considered section 131 of the Act ?)

A.—I think I have looked at it, if you mean the Saving clause section.

Q.—Do you think that is a difficulty in the way ? I don't want your opinion unless you have considered it.

A.—I have considered that—"Nothing in this Act shall derogate from any powers of the Secretary of State in relation to the Government of India."

Q.—If you have not considered that point, I do not want to trouble you ?

A.—So far as a layman can do so, I have considered it. I think it will stand in the way. As long as section 131 stands it will be impossible, I think, to extinguish the responsibility which vests in the Secretary of State. Even apart from that, even if you look into the intentions of the Montagu-Chelmsford Report on the scheme, or if you look at the despatch of the Government of India, dated 5th March 1919, I believe the conclusion is irresistible that the responsibility vested in the Secretary of State can in no circumstances be extinguished. If you want, I can quote those passages. Paragraph 292 of the Montagu-Chelmsford Report makes it perfectly clear—the last few lines of it—

“ We hope therefore that Parliament will ”—the paragraph is about reserved subjects—“ that Parliament will assent to facilitate the working of our reforms by a provision authorising the Secretary of State, by rules to be laid before Parliament, to divest himself of control over the Government of India in some specified matters even although these continue to be the concern of the official Government and to empower the Government to do likewise in relation to Provincial Governments ”—and mark the last sentence—“ On large matters of policy in regard to reserved subjects there can, of course, be no question of such delegation ”

Q.—Therefore what was really contemplated under section 19A was that the relaxation of control or devolution of power could only be in small matters of detail. That was contemplated.

A.—That was not only contemplated by the Report but I go further and say that that was the position accepted by the Government of India in 1919. If members of the Committee will turn to page 52 of the Government of India despatch to the Secretary of State on the Reforms....

Q.—I do not want you to go into details, but that is your view.

A.—I say that was precisely the view of the Government of India. There they say it is both possible and highly expedient to have this delegation only in small matters.

(Sir Muhammad Shafi)—*Q.*—Have you made any special study of constitutional law or constitutional history ?

A.—I think I have said more than once that I am only a layman, but I think I am entitled to utilise the literature about the Reforms for the purposes of my argument.

Q.—It would be left to the Law Member to solve knotty points. Well, we now get on to sub-paragraph (3) of your paragraph 5—“ A third and by no means less embarrassing drawback inherent in the Act is the far too tight a grip of the Secretary of State under his statutory powers over the handling of the revenues of India in the United Kingdom.” Now I think it was Sir Arthur Froom who asked you the question. He said would you permit the High Commissioner under the authority of the Government of India to put a large amount of money in any Bank or investment such as he thinks proper ; and you said yes.

A.—I did not say in any bank.

Q.—Well, you said in the Bank of England or any other bank ?

A.—The Bank of England or, for instance, I mentioned the Imperial Bank of India. I see you are referring however to the point raised by Sir Arthur Froom ?

Q.—Yes. I want you to explain what you mean by sub-paragraph (3) where you say—"In the opinion of the Sabha, the time has arrived to amend the Act in such a manner as to enable the Government of India to manage their own financial operations in England." What do you mean exactly by these words ? What is the difficulty or the defect which you seek to correct ?

A.—Well, the purpose I have in view is that the monies of India should not be utilised only in England but may safely be diverted to India, such as the Gold Standard Reserve and monies of that sort ; and the amendments which I wish this Committee to consider in order to enable my object to be achieved would be, for instance, an amendment of section 23 of the Government of India Act, which specifically lays down that all such revenues and monies shall be paid in the Bank of England to the credit of the Secretary of State.

Q.—Let us stop there a minute. When you say that the revenues of India are paid into the Bank of England, do you first of all know whether the Bank of England pays any interest on that ?

A.—I do not know and that does not affect my present argument. What I contend is here only one Bank is laid down. I want a further amendment so as the section to read "either the Bank of England, or the Imperial Bank of India." That is all I want.

Q.—How will that help you whether there is one bank or two banks ?

A.—It will help me in this way. If you take my second amendment in conjunction....

Q.—What is the object ?

(Sir Sivaswami Aiyer).—Q.—You mean the Imperial Bank of India in London ?

A.—In London or in India as well. When I say Imperial Bank of India, it means all branches.

Q.—What is its object ?

A.—It will help, I think, at any rate in this way. If all the monies which are now lying in the Bank of England could be distributed over two banks, that is, over the India's official Bank and the Bank of England, probably the condition of India's trade and finance will be better.

(Sir Muhammad Shafi).—Q.—You don't contemplate the deposit in any other bank than the Imperial Bank of India and the Bank of England, do you ?

(Dr. Paranjpye).—Q.—In any other non-official or private bank ?

A.—I would not complicate matters by allowing any non-official bank, oh, no.

Q.—Do you mean to say that in London, the Secretary of State instead of putting all the monies in the Bank of England, should put a portion in the Bank of England and a portion in the Imperial Bank of India Branch ?

A—I mean into the official bank of the Government of India, namely, the Imperial Bank of India.

Q—In its London Branch?

A—In its London Branch. But I am not confining only to the London Branch. I would amend by saying simply "Imperial Bank of India." That would enable the High Commissioner to place the money either in the London Branch or in the Indian Branches. I do not confine myself to London.

Q.—I understand your first point. Your first point is that a lot of money is now kept in the Bank of England which need not be kept in England at all?

A.—Yes.

(At this stage, the Hon'ble Sir Alexander Muddiman took the Chair.)

Q.—You mean that it is unnecessary to keep all that money in England?

A.—Yes

Q.—And that a portion should be sent to India?

A.—Certainly.

Q.—You know that all the moneys that are invested in the Bank of England by the Secretary of State for India carry no interest?

A.—Yes.

Q.—They carry no interest?

A.—That is my impression. I have no official information.

Q.—Do you know what the practice is as to how that money is utilised?

A.—I know.

Q.—What is the practice?

A.—That money is given out either on short deposits or otherwise at a small rate of interest according to the Secretary of State's orders. I think that in the last year's Assembly that question has been answered that the money remaining in England is utilised on short deposits earning about 2 per cent. interest.

Q.—Whereas the Government of India raise loans in this country at 5 to 6 per cent. interest?

A.—Yes. That is exactly my object and the purpose I have in view. If that money is earning a very small rate of interest in England owing to the short deposit system I think India suffers. It is not possible under the Act to bring a portion of that money to India. But if the Act is amended I think, compatibly with safety, that money could be utilised for financing trade in India.

(*Sir Arthur Froom*)—Q.—You are aware that various bodies in India like Municipalities and Port Trusts are bound to keep their balances with the Imperial Bank of India?

A.—I know that.

(*Sir Arthur Froom*)—Q.—You equally know that the Imperial Bank of India allow no interest on those accounts?

A.—That is so. But the Imperial Bank which is full of money can give loans to merchants. That is the gain to the country.

(*Sir Arthur Froom*).—Q.—My question was, do you know that the Imperial Bank of India allow no interest on the monies placed with them by various bodies like the Municipalities and Port Trusts ?

A.—I think so. That is correct.

Q.—Do you know whether the Municipality employs a broker and keeps a financial adviser who directs the Imperial Bank to invest the monies deposited by the Municipality ?

A.—Are you referring to District Municipalities or the Corporation ?

Q.—Sir Arthur Froom put to you the question whether you know that the Municipalities are obliged to keep certain of their money in the Imperial Bank of India and the Imperial Bank allows no interest and you said "yes". I want to know this. Do you know whether the Municipality has got a financial adviser and a standing broker to advise the Imperial Bank as to whom loans should be given out of their money ?

A.—Quite so.

Q.—You know that there is such a thing in India ?

A.—I am not quite sure about your Bombay Corporation. So far as the District Municipalities are concerned ...

(*Sir Sivaswamy Aiyer*)—Q.—Assuming for the moment that I am disposed to agree with you as to the desirability of keeping some portion of the balances in India. Take the case of the balances kept in England. Is there any advantage in having our treasury balances in England kept in two banks instead of one ?

A.—I think there is a distinct advantage if the money is split up, that is, if it is partly kept in England and partly in India

(*Sir Sivaswamy Aiyer*)—Q.—I am not talking of the Indian portion at all. Leave that alone for the moment. That is a separate question. As to the portion to be invested in England is there any advantage in having the money in two banks instead of in one ?

A.—No. In that case, there would not be. Of course, I would concentrate all the money to be left in England into one Bank only.

(*Sir Sivaswamy Aiyer*)—Q.—What you were thinking of was probably that a larger portion should be retained in India ?

A.—That is right

(*Sir Sivaswamy Aiyer*)—Q.—For utilisation here for the benefit of trade and commerce ?

A.—Yes.

(*Sir Sivaswamy Aiyer*)—Q.—If there is to be only one Bank in England where the monies could be deposited or invested, don't you think that the Bank of England would be the best institution ?

A.—Decidedly. I don't question that.

Q.—Let us now get to the next point ?

A.—Will you allow me to add one remark here before we dispose of this High Commissioner business ? I think a question was raised the other day whether there was statutory power for the High Commissioner to operate in London. My answer to that is, this. If there is no statutory power at present, it would be desirable in the interests of India if this Committee can make a recommendation that in section 29A regarding the High Commissioner, statutory power may be granted to the High Commissioner by a slight amendment of the section. Thus section at present

reads :—" And the order (of His Majesty in Council) may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under this Act or otherwise, in relation to making contracts." That is to say, he has already power on behalf of the Secretary of State to make contracts. That power should be further amplified, by an amendment of this section so as to say that he should have the power to make contracts and also to make financial operations for the Government of India under the guidance of the Finance Member of the Government of India.

(*Sir Muhammad Shafi*).—Q.—Is it at all necessary to amend the Act ? These two words—" powers and duties "—cover what you contemplate ?

A.—So much the better. I say in answer to those who raise the difficulty that if there is no power he should be given the power by an amendment of this kind. If there is the power, so much the better.

Q.—The High Commissioner is after all under the Secretary of State for India ?

A.—I think he is directly under the Government of India.

Q.—The Government of India Act says that he is directly under the orders of the Government of India ?

A.—But my point is that he is directly under the Government of India.

Q.—If Hon'ble Members will only know how the High Commissioner is appointed—I have got here Appendix D Order in Council for the appointment of the High Commissioner for India, and that Order is as follows :—" He is under the control and supervision of the Secretary of State for India."

(*Mr. Chairman*).—But not by statutory provision.

Q.—This is under the Act. This is an Order in Council.

(*Mr. Chairman*).—Another Order in Council can be made ?

Q.—Even then, the same question will arise whether the Secretary of State for India could divest himself of his powers. It will be a delegation. It cannot be anything more ?

A.—I am not entitled to go into that technical legal point.

Q.—But the Hon'ble the Law Member wants you to go into it.

(The Chairman intimated to Mr. Jinnah that the point could be discussed by the Committee afterwards).

Q.—You say in sub-paragraph (4) : " The section (Section 67A) should be made clear, non-votable items of the Budget should be clearly defined and their category cut down to the lowest limits." Do you know what is the total annual revenue of the Government of India roughly ?

A.—Speaking from memory, I think in the first year of the first Assembly, 1921, the revenue of the Government of India was about 129 crores.

(At this stage Sir Muhammad Shafi took the Chair.)

Q.—Do you know the amount that is votable by the Legislature ?

A.—It is difficult to compute exactly....

Q.—Give me roughly. I do not want exactly.

A—Roughly, I can tell you that nearly 50 per cent. is non-votable owing to the military and excluding the Services, I think about 35 crores remains as votable. I am speaking from memory.

Q.—Out of 129 crores of revenue, 35 crores is votable, roughly ?

A.—Yes.

Q.—Is that what you mean by this sub-paragraph “that the section should be made clearer, etc.” ?

A.—That is one of the objects. I can also give figures if you want about the Bombay Council.

Q.—I do not want figures. There is one more point about the central government. The demands in the votable portion of the Budget could be either reduced or rejected ?

A.—Yes.

Q.—And if it is reduced or rejected by the Legislature, the Viceroy can restore it ? He has got the power to do so ?

A.—Yes, under certain circumstances.

Q.—If he thinks that it is essential for the discharge of his responsibility ?

A.—Yes.

Q.—67A (7) ?

A.—That is right.

Q.—That is with reference to the rejection or reduction of any demand for grant ?

A.—Yes.

Q.—Then, with regard to Bills you say that the Governor General should not be allowed to satisfy himself under the term ‘interest’ ?

A.—Quite so.

Q.—Would you take it away altogether ?

A.—I would take away that word ‘interest’ altogether unless somebody can suggest a good substitute.

Q.—You cannot suggest one ?

A.—No.

Q.—That word gives it the widest scope ?

A.—That is the sting of the objection.

Sir Sivaswamy Aiyer.—*Q*.—I should like to put to you a few questions about the subject of franchise in the Bombay Presidency. What is the qualification for the franchise in Bombay for the Provincial Legislative Council ?

A.—It depends on the amount of house rent in Bombay city and municipal areas.

Q.—In the mofussil what is it ?

A.—In the mofussil in urban areas it is also house-rent or income-tax payments, and in the rural areas so much of land revenue assessment.

Q.—What is the amount of rent or land revenue which is prescribed as the qualification for an elector ?

A.—I think in the district towns it is about Rs. 3 house-rent—Rs. 10 in Bombay and Rs. 3 in the mofussil, per mensem.

(Dr Paranjpye) —Rs. 6 in Karachi.

Q —And what is the amount of land revenue ?

A.—It varies from district to district I think it is Rs 48 in the richer districts, and in the poorer districts like Ratnagiri it is about Rs 16.

Q.—Do you wish to reduce the franchise, the lowest limit of franchise, or do you wish to keep it as it is ?

A.—For some years if it is kept as it is I would not mind, although if somebody wants to enfranchise still further or broaden it, I would not object.

Q.—You say the franchise is Rs. 3 a month house rent or Rs 16 land revenue per annum Do you think that unless you reduce the franchise it will be possible to bring on the depressed classes to the franchise ?

A.—In order to bring on the depressed classes, an entirely low franchise should be fixed up. They are extremely poor people In fact, this principle of differentiation in the assessment limit from district to district may be still further extended if the depressed classes are to be enfranchised by saying in their case that house rent of Re. 1 or land assessment of Rs. 5 would be enough

Q.—You want to reduce the franchise very much below the present limits, so as to bring on the depressed classes ?

A.—In order to bring on the depressed classes I would lower the franchise for the depressed classes only, and not the general franchise.

Q.—The point I wish to put to you is this. You have suggested a method of election for securing the representation of the depressed classes. What I wish to know is whether it would be possible, by any reduction of franchise, to bring the depressed classes on to the voter's lists, and if it is not, is it not necessary to retain the system of nomination ?

A.—Personally, I think that by specially low franchise and the grouping of districts it is possible to bring the depressed classes automatically to win seats—I mean to give them reserved seats. But if it is found impossible in certain very poor districts to do then I would not mind continuing the nomination system. But personally I would not like the nomination system, because I think it is feasible to devise a very low franchise and a grouping of districts for them

Q.—Then would you have a low franchise and a common electorate, or a separate electorate for the depressed classes ?

A.—Yes, if there is reservation of seats for them in a mixed electorate, with specially low qualification

Q.—You want a common electorate, special franchise, and reserved seats ?

A.—Yes.

(Sir Muhammad Shafi) —Q.—What is the difference between a seat reserved and a separate electorate ? I would like that for my own information.

A.—If there is a mixed electorate with reservation of seats, among the electors there may be Mahrattas, Chamars, and Brahmins and that sort of thing. But so long as out of, say, 3 seats, one seat is reserved for the depressed classes candidates, one for Mahrattas, each of these will come in, although he may secure a small number of votes compared with the other candidates.

Q—So you would have a common electorate, special franchise

A—I say, a specially low franchise.

Q—But do you think it right that while you have a specially low franchise for the depressed classes you should not lower the franchise for the other classes? Why should you retain the franchise at a higher level for the other classes and at a lower level for the depressed classes?

A.—The lowering of the franchise for all the general classes is a question of larger policy. It is a question of broadening the electorate.

Q—But if that principle of broadening the electorate is to be worked by lowering the franchise for the benefit of the depressed classes, why should not the same principle be applied for the purpose of broadening the electorate among the other classes?

A—The object is to admit the depressed classes at present, not on sufferance as by nomination, but by a little protection given to them until we broaden the electorate on general grounds when the due time comes.

Q.—What is the object of prescribing any qualification at all? To ensure a certain amount of interest or qualification, or something of that kind, is it not?

A—Certainly

Q.—If a low franchise is necessary and good in the case of the depressed classes, why is it not equally good and necessary in the case of the other classes also?

A—As I say, it becomes a question of broadening the electorate, and it depends on various other factors, such as education, the general level of intelligence in the country and so on, but here if you wish to admit the depressed classes to franchise before that general revision of the electorate I would secure it by lowering the franchise for them as an interim arrangement. For instance, take the Ratnagiri district where for the ordinary cultivator the assessment is Rs 16. For the Chamar of that district, I would say, let it be Rs 2 per annum.

Q.—If a low level of intelligence, education and property qualification is sufficient to entitle a member of the depressed classes to franchise, why should you go further in the case of the other classes? Why not have one uniform franchise?

A.—*A priori*, I have not the slightest objection to broaden it. But that question can wait till on general questions of policy you come to revise the whole basis of the electorate.

(*Dr. Paranpye*).—Do you think that the administrative difficulties would be too great for conducting elections in that event?

A.—I do not apprehend any administrative difficulties.

(*Mr. Jinnah*).—*Q*—I suppose that so far as Bombay is concerned you do not object to separate electorates if the Muhammadans desire it as a temporary adjustment?

A.—Not in the least.

The witness was thanked by the Chairman and he thereupon withdrew.

Monday, the 25th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness:—Mr. Jamnadas Dwarkadas on behalf of the Bombay Branch of the National Home Rule League.

EXAMINED BY THE CHAIRMAN.

Q.—I understand that you are the President of this League ?

A.—Of the Bombay Branch.

Q.—Can you tell us how many members the Bombay branch has got ?

A.—It has about 200 members at the present moment, I mean the Bombay City Branch.

Q.—Is there any register of members ?

A.—We have.

Q.—Are there any subscriptions ?

A.—We have four classes of subscriptions.

Q.—Have you a balance sheet ?

A.—Yes. We have our reports published annually and the balance sheet also.

Q.—Are you a corporate body ?

A.—Yes.

Q.—Registered ?

A.—We are not registered. If you will allow me, I will explain to the Committee the constitution of the National Home Rule League. We are an All-India body with Dr. Annie Besant as the President,—as the All-India President. We have 36 branches all over the country. We have Provincial Councils and also city branches. I am President of the City Branch as well as of the Province of Bombay, and Vice-President of the All-India body.

Q.—May I take it that these views are the views of the League ?

A.—These have been passed by the Bombay Committee. As Vice-President of the League I am more or less conversant with the views of the whole body and I think I am right in saying that these views represent practically the views of the whole body.

Q.—Is it the same body as we have had some witnesses from the United Provinces ?

(Sir Sivaswami Aiyer).—No. That was the Liberal Federation.

Q.—What is the qualification for membership in your League ? Is it the holding of any particular political views ?

A.—Holding of certain political views.

Q.—Is it an entirely Hindu body ?

A.—No.

Q.—How many Muhammadans are there ?

A.—We have Hindus, Parsis, Christians, and Muhammadans, and Buddhists also.

Q.—How many Muhammadans have you in the Bombay Branch ?

A.—In the Bonlai City we have about 10 Muhammadans.

Q.—Not very many, but a small percentage?

A.—Yes.

Q.—Is that about their proportion throughout the League generally?

A.—I should think so, except that I am told that in Bihar we have a large number of Muhammadan members. Mr. Hasan Imam is President of the Bihar Branch, I think.

Q.—You have got two notes here....

A.—The memorandum by Mr Kanji Dwarkadas which has been attached here also represents the views of the League. It has been drafted by him because he was a member of the Provincial Legislative Council in the first three years of the life of that Council, but while I cannot go into the details of the working of the Bombay Legislative Council, I think I shall be able to answer questions on general principles.

Q.—I do not think I have got much to ask you on the memorandum itself. You state your position quite clearly, but there is one little point I want to have cleared up. That is Mr. Kanji Dwarkadas's note, page 7. What is meant by "the meaning of the expression 'to take into consideration' cannot be restricted." Has it reference to section 80A (3) ?

A.—Reference is to section 80A. I can tell you what happened in the Council. Sir Chimanlal Setalyad, who was in charge of the Port Trust Amendment Bill, at the time of the second reading of the Bill raised a point of order. He said that as there were amendments on paper to be moved by non-official members he could not allow the discussion on the Bill to be proceeded with, because previous sanction of these separate amendments of the Governor General would have to be obtained. Thereupon the President ruled that that would be an infringement on the right of free speech and right of debate on the part of the members of the Legislative Council; and so he ruled that while the discussion could go on, and before the third stage was reached, if certain amendments were passed by the Legislative Council previous sanction of the Governor General should be obtained. That was the ruling of the President.

Q.—That sanction could be taken after it had been passed?

A.—Before the third reading was reached.

Sir Muhammad Shafi—*Q*.—Mr. Jammadas, will you kindly turn to paragraph 2 of your Memorandum? In the second sentence you say "In other words, the enquiry is strictly limited to administrative as distinguished from constitutional imperfections." Will you kindly look at the terms of reference and tell me how you justify this statement?

A.—Well, Sir, that was my view, but I am afraid I have not been quite accurate in stating that view. But my present view is this. The enquiry is not limited and the members of the Committee are in a position to enquire from A to Z. But I do think, that the right of making recommendation is limited to the extent to which I have referred.

Q.—Will you turn to the second paragraph on page 2, that long paragraph which goes on to page 3. I presume the view which your League has taken of the scope of section 19A in this paragraph is based upon the pronouncement of the then Home Member in the debate which took place on Dr. Gour's resolution?

A.—Exactly so.

L538HD

Q.—You were at that time a member of the Legislative Assembly ?

A.—Yes, but I was not here ; I was in England.

Q.—I suppose you saw the report ?

A.—Yes.

Q.—Having gone through the report, have you realised that all the non-official speakers took the contrary view ?

A.—Yes, I saw that ; but it seems to me that you cannot escape from the position that has been taken up by Sir Malcolm Hailey on that point.

Q.—Including Mr. Rangachariar, Dr. Gour and Mr. Samarth ?

A.—Yes.

Q.—And the Legislative Assembly itself took the contrary view because it passed Dr. Gour's resolution by a large majority ?

A.—Yes Sir.

Q.—Assuming for a moment that it is possible under section 19A to bring about constitutional advance by relaxation or restriction of the Secretary of State's control, on that assumption are you opposed to action under section 19A ?

A.—Sir, I think it is not possible for various reasons. I am inclined to agree in the first place with Sir Malcolm Hailey's view.

Q.—Excuse me. It is really advisable to grasp the question and then give the answer ?

A.—I understand you.

Q.—Assuming that constitutional advance to a certain extent is possible by means of action under section 19A would you be opposed to take any action under that section ?

A.—It would not be satisfactory. The advance will be of a very insignificant character unless you provide by statute that the Secretary of State divests himself of his control. It is not possible, even assuming that, that anything like a substantial advance can be made.

Q.—I quite understand that position. According to your view and according to the view of a good many action under section 19A would not be sufficient. But that is not my point. My point is that assuming that action is possible, would you be opposed to that action or would you say "Take any action that you can within the Act for a constitutional advance by all means, but such action will not be sufficient to meet the requirements of the case or to meet the general view" ?

A.—I do not think that action can satisfy us, because unless a statutory provision is made that action cannot give the Government of India any effective control, and cannot give the Central Legislature any effective control over the affairs.

Q.—In page 3 of your Memorandum you say "In the Civil administration of India also, instances could be given of the frequent interference of the Secretary of State even in matters which relate only to minor details." Would you give the Committee one or two by way of example ?

A.—I should give many more than one or two. You will remember that I was one of those who always complained about frequent interference of the Secretary of State. In the first place the appointment of the Lee Commission. You will remember when the motion for adjournment was moved, by an overwhelming majority, the House expressed its opinion against the appointment of such a Commission. Apart from that, it is

an open secret that even the Government of India was averse to the appointment of such Commission. You will remember, Sir—perhaps at that time you were present in the Assembly,—that a challenge was thrown to Sir Malcolm Hailey to categorically deny that the Government of India was opposed to the appointment of the Commission and Sir Malcolm Hailey could not deny that. Then, when the question came before the Assembly for voting the grant, the Assembly again rejected the motion, and the Royal Commission was appointed. Then, I have already quoted the instance of the Esher Committee's report, where the Government of India had accepted our resolution,—the resolution moved by Sir Sivaswamy Aiyer. What happened? When the debate was raised,—I think it was in July 1923 when I was not there—Mr. Burdon.....

Q.—You have already dealt with the Military Administration. My question was about Civil Administration?

A.—Then, take the question of the debate on State and Company management. You remember that from time to time the debate had to be postponed because orders from the Secretary of State had not come. There even the Government of India could not have a free voice in the matter.

(*Mr. Chairman*).—*Q.*—But those are not matters of minor detail. Are they?

A.—I will come to matters of minor detail. I will take an instance which has been referred to—one of the instances that have been pointed out by the Inchcape Committee—in which the subject of the promotion of a subordinate officer in the Railway Department was made the subject of correspondence which lasted for about six months between the Government of India and the Secretary of State; and you remember that when we objected to the expenditure on telegrams between the Government of India and the Secretary of State, member after member—I remember Mr. Kangachariar and myself particularly—pointed out how in matters of absolute minor administrative details expenditure was incurred because correspondence went on for a number of months unnecessarily.

Q.—You are in favour of the removal or relaxation of that control?

A.—Yes, Sir; very much so.

(*Mr. M. A. Jinnah*).—*Q.*—And be independent of the Government of India?

A.—No Sir. I think you will not misunderstand me. The moment you relax the control of the Secretary of State it goes without saying that I want responsibility at once to be introduced in the Central Legislature.

(*Mr. Chairman*).—*Q.*—You would not like to relax the control until that was done?

A.—I think both things should be done simultaneously. I do not want the Government of India to be left as an autocrat to carry out its own sweet will.

Q.—You would not like that?

A.—No, Sir.

(*Mr. M. A. Jinnah*).—*Q.*—It will be from the frying pan to the fire?

A.—Yes. All that I want is that the Government of India which is responsible to the British Parliament should be responsible to the Indian electorate.

(*Mr. Chairman*).—*Q.*—Till that is done things may remain as they are?

A—I do not think things ought to be allowed to remain as they are. If you allow things to remain as they are, you will invite serious consequences.

(*Mr Chairman*).—*Q*—My question is this. In the event of no change being made you prefer the existing arrangement should continue rather than the Government of India being left irresponsible?

A—I do not contemplate the possibility of no change being made. I have some regard for the common-sense of the powers that be....

(*Mr Chairman*)—*Q*.—In the event of nothing being done to give responsibility to the Central Legislature, would you prefer the existing arrangement—the Government of India being subject to the control of the Secretary of State or would you prefer to have that control removed?

A.—I would not like the Government of India to play the part of an autocrat. I would like that they should be responsible to the Central Legislature.

(*Mr. Chairman*).—*Q*—You have really answered my question. You would not like the Government of India to be irresponsible?

A.—Yes.

Q.—With reference to this question that was put to you by the Chairman, assuming for the sake of argument that actual responsibility to the Central Legislature is not granted at present, does it mean that the relaxation or restriction of the Secretary of State's control over the Government of India would make the Government of India necessarily responsible in view of section 131, sub-section (2), that responsibility to Parliament remains?

A.—That is exactly what I mean. You are precluded from relaxing the control of the Secretary of State by section 131 and also if you read the whole section 19A.....

Q.—You have not understood my question. Secretary of State's control under certain sections of the Act is one thing and responsibility of the Governor General in Council to Parliament under section 131 (2) is another. My question was this. Does removal or relaxation of the Secretary of State's control—whether by exercise of rule-making power under section 19A or by an amendment of the Act, it does not matter—does it necessarily make the Government of India irresponsible till it is responsible to Parliament?

A.—Not irresponsible.

Mr. M. A. Jinnah.—*Q*—I know that you are opposed to the control of the Secretary of State for India. You said that?

A.—Yes.

Q.—You also consider it would not be very much of an improvement if that control is relaxed and power is given to the Government of India. You consider both bad?

A.—Yes.

Q—Supposing we had to choose between these two evils, namely that we should really have more to deal with the Government of India rather than the Secretary of State for India sitting 6,000 or 7,000 miles away from India, would not the Government of India be more amenable to public opinion?

A.—Naturally, because they have got to deal with us every day.

Q.—If you have no other choice except to choose between the two, you would rather that the control was relaxed ?

A.—Exactly so.

Q.—Mr. Jamnadas, you are a merchant, aren't you ?

A.—Yes.

Q.—And you have taken part in public life for a number of years ?

A.—For the last 10 years.

Q.—And you were a member of the Assembly for 3 years, and you stood for the last election but you were defeated ?

A.—Yes, Sir.

Q.—You have, therefore, sufficient experience of voters ?

A.—Yes.

Q.—In your opinion do you think that the electorates are intelligent electorates ?

A.—Undoubtedly they are.

(*Mr. Chairman*).—*Q.*—Do you mean in Bombay city or generally ?

A.—I am acquainted with Bombay city particularly, but I have also moved about the country a good deal, and to the remotest corner of the villages of Gujarat and I can say that the electorates are very very intelligent. They understand broad issues as the best of your electorates can understand.

Q.—And you say that in spite of the fact that you were defeated at the last election ?

A.—That does not matter. I have no hesitation in admitting that I was defeated because they understand the broad issues so thoroughly. That is why I was defeated.

Q.—So your defeat was due to the fact that the electorates thought that this constitution ought to be scrapped whereas you were rather inclined to support this constitution ?

A.—If you will permit me, Sir, I will go into the history of my defeat.

(*Mr. Chairman*).—We do not want to know the history of your defeat.

Q.—Of course, you were wrongly defeated ?

A.—It does not matter whether I was defeated rightly or wrongly. But my party did give support to the constitution in the beginning of the year 1921.

Q.—They considered rightly or wrongly that you were supporting the Government ?

A.—It is not merely that The Government failed to respond to the co-operation and good-will that we offered to them.

Q.—Then you were defeated because they came to the conclusion that you were supporting an irresponsible and un-responsive Government ?

A.—Yes.

Q.—You were a member of the Legislative Assembly for three years ?

A.—Yes.

Q.—Did you feel throughout the term that you were a member that the Legislature had any power at all ?

A.—Power we had very little. But in the beginning I was inclined to feel that the Government would work with us and would make it possible to become if not responsible to the Legislature at any rate responsible to the Legislature.

Q.—In the beginning you flattered yourself that the Government was under your influence ?

A.—Yes.

Q.—But you realised afterwards that it was a mere delusion ?

A.—The disillusionment came and it came most in the year 1923 when in the teeth of the opposition of the people Government restored some grants and the Governor General certified a measure to which the country was unanimously opposed.

Q.—By the time you left at the end of your term, do you think it was possible to work this constitution in the Central Government ?

A.—No. I thought it was absolutely necessary to introduce responsibility before any constitution of that character could be worked.

Q.—Do you think that sufficient trial has been given to the present constitution to find out that it is unworkable ?

A.—So far as the members of the first Assembly are concerned, I think everyone of them is bound to admit that we have given a fair trial to the Reforms.

Q.—When you came to the Assembly, I take it that the entire body of representatives who were returned during the first election came to the Assembly with the object of working the Reforms whole-heartedly in order to make it a success ?

A.—There is no doubt about it.

Q.—When you went into the Assembly you did not have the extreme school of politicians in the Assembly, I mean the non-co-operators ?

A.—No.

Q.—Therefore you got in the Assembly what I call men who were moderate men and the bulk or the whole lot of them were willing to give a fair trial to the Reforms ?

A.—Yes.

Q.—And therefore you could not have given a trial to the Reforms in the Central Government under better or more congenial circumstances or conditions ?

A.—Quite so.

Q.—In spite of that you came to the conclusion at the end of your term that it was not possible to work the present constitution ?

A.—Yes.

Dr. Paranjpye.—Q.—You say on page 3 of your Memorandum with regard to section 19A. "We would point out that the establishment of a convention established by one Secretary of State may as easily be upset by his successor." Have you any experience of this ?

A.—I remember at least one particular instance where Mr. Montagu did establish a convention. You will remember that in 1921, a proposal was made to increase the import duty and the excise duty was left intact. Then the Lancashire deputation waited on Mr. Montagu and Mr. Montagu's

reply was : " Gentlemen, it is not possible for me now to interfere because the Government of India and the Indian Legislature have agreed and in accordance with the recommendation made by the Joint Committee I shall respect that convention." It was, I think, in the year 1922 that a proposal was made to enhance both the excise duty and the import duty on cotton goods to the extent of 4½ per cent. The enhancement of the excise duty was rejected by the Assembly and Mr. Worthington-Evans had just succeeded temporarily Mr. Montagu, who resigned. As soon as the enhancement of the excise duty was rejected by the assembly, telegrams from the Secretary of State poured in to the Viceroy, pressing him to certify the excise duty. I remember the Viceroy resisted that demand.

*Q.—*You talked of these telegrams. Could you tell us the expenditure incurred on these telegrams ?

*A.—*I have not got the figures ready at hand. But our principal objection to the telegrams was that they encouraged constant interference by the Secretary of State.

(*Maharaja of Burdwan*).—*Q—*Could you please tell the Committee how you came to know of these telegrams and the fact that the Secretary of State was putting pressure on the Viceroy ?

*A.—*I have no hesitation in placing the facts before the Committee. As soon as these telegrams began to pour in some of us were taken in confidence.

(*Mr. Chairman*).—I think we had better not pursue that matter.

*Q.—*Have you got any figures about these telegrams ?

A.—No.

*Q.—*Can you tell us that the expenditure on these telegrams has constantly increased ?

*A.—*I think that was the complaint of the members. So far as I remember Mr Rangachariar moved a resolution pointing out how expenditure on telegrams has increased on account of the constant interference by the Secretary of State.

*Q.—*Again, you mention that you would like to have complete provincial autonomy. But at the same time you say at the beginning of the last paragraph on page 4 that " Even complete provincial autonomy, without the introduction of responsibility in the Central Government, would fail to bring relief to the discontent widely prevalent in India." Can you explain that a little more ?

*A.—*While the Provincial Governments are very important in their own way, all the large questions of the financial policy and other policies are dealt with by the Central Government. Also the Central Government exercises a lot of check over the doings of the Provincial Governments. Therefore, unless the Central Government is made responsible to the Central Legislature, the mere introduction of full provincial autonomy in the provinces would fail to satisfy the aspirations of the people.

*Q.—*Do you think that if there is a deadlock between a responsible British Government and an autocratic Central Government, the Provincial Government would be in a better position to resist and the sympathies of the people will be on the side of the Provincial Government ?

*A.—*Yes. While if you had responsibility in the Central Government, in the case of deadlock, the question would be considered on its own merits.

Sir Henry Moncrieff-Smith.—Q.—Mr Dwarkadas, if the Secretary of State's control is relaxed by rules under section 10A, do you consider that, though Parliament may not provide for responsibility in the Central Government, the inevitable result will be the beginnings of responsibility in the Central Government?

A.—In a way, yes. The constant interference by the Secretary of State would be avoided. I said in answer to Mr Jinnah's question that it is likely that the Government of India would be more amenable to the wishes of the Legislative Assembly than the Secretary of State is likely to be. I will not say the Government of India will be responsible to the Assembly but there will be a certain amount of responsiveness on their part.

Q.—But don't you think that responsiveness would lead to responsibility?

A.—Unless you have responsibility introduced by statute I would not say that the Government of India would be responsible to the representatives of the people.

C.—The Memorandum of Mr Kanji Dwarkadas is practically confined to the subject of control of provincial legislation under section 80A (3). I do not know if you have considered that matter. I suppose you agree with the statement that the clause in particular which requires the previous sanction to any measure regulating a provincial subject is merely hampering the Local Council?

A.—Yes.

Q.—Will you please look at section 80A (3). Could you indicate to us whether you would alter this clause or whether you would relax the restriction requiring previous sanction?

A.—I have not considered the whole question very fully as I have not had experience of the Provincial Councils. But having considered it in our Committee, I came to the conclusion along with other members that the previous sanction is hardly necessary. You can trust your Local Government. They are after all a responsible body and you can trust them to introduce such measures only as will not interfere with the authority of the Central Government. You can always provide for the final veto or sanction subsequent to the passing of the measure.

Q.—Would not that involve a great deal of waste of time on the part of the Local Government?

A.—I do not personally think that the Local Governments would be so foolish as to cause unnecessary waste of time by introducing measures of a doubtful character. But even if they did, a debate is always useful in bringing out certain points which could never have been brought before the public.

Q.—You say that the Local Government can be trusted. But all the measures in the Local Councils are not promoted by the Local Government. What about private Bills?

A.—After all, the scope of the powers of the Provincial Councils is very limited. I would not even object to include private Bills in this category.

Q.—You say that the scope is very limited. What do you mean by that? Do you mean merely provincial, because the Local Council has a power to make laws for its own province only? Do you regard that as very limited?

A.—It is limited as compared to the scope of the Central Government. I am speaking only comparatively.

Q.—Don't you think some restriction is necessary on the powers of the local Council?

A.—If you provide for a veto or sanction subsequent to the passing of the measure, I do not think any other restriction is necessary. Take one instance which has been pointed out by Mr Kanji Dwarkadas in his memorandum about the Prostitution Bill. You find, Sir Morris Hayward and the other members of the Committee agreed that certain amendments which were essential were not introduced because the previous sanction of the Governor General would be necessary and it would cause unnecessary delay. You are actually preventing legislation which is in the interests of the people of the Province by providing for this unnecessary delay in the shape of previous sanction of the Governor General.

Q.—Are you quite sure there would be delay?

A.—The experience of the Legislative Council is this.

Q.—This reference of yours to the Bombay Prostitution Bill in the memorandum, that "as a wise question whether the word "male" should remain". Don't you think on a point like that the sanction of the Governor General might have been obtained within two or three days?

A.—I think a Government Member like Sir Morris Hayward would be more qualified to give an opinion on that subject than I am. I do not know what the delays are, but he clearly states here:—"We considered at some length the question whether in section 5 the word male should be deleted, but since the change will probably involve a reference to the Government of India for previous sanction, which will delay the passing of the measure, we decided a change would be better effected hereafter by an amending Bill."

Q.—So much for provincial legislation. You were a Member of the Assembly, is it your experience that the provisions of section 67 (2) hamper legislation in the Indian Legislature?

A.—No, so far as the Central Legislature is concerned, I do not think that was my experience.

Q.—The memorandum mentions the resolution in the Assembly for the appointment of Council Secretaries and you mention the fact that it was in the end opposed to a considerable extent by non-official members. What is your own view about that, the view of your League? Are Council Secretaries to be appointed?

A.—Not until responsibility is introduced.

Q.—And with regard to the Provinces?

A.—Even there I should hesitate to appoint Council Secretaries before you had full provincial autonomy, before all subjects were transferred to the Ministers with responsibility.

(Sir Sivaswamy Iyer).—Q.—You mean for the transferred half?

A.—I should think so, even for the transferred half at the moment, because evidence of the Ministers here clearly indicated that, while nominally they had power, in reality they had practically no power, that they were, as they put it between the Governor and the representatives of the people, and they did not know where they were.

(Sir Sivaswami Iyer).—Q.—They have Council Secretaries for Madras for the reserved half ?

A.—I am not aware of that.

Q.—You would not have persons as Parliamentary Under Secretaries ?

A.—Not until responsibility is introduced because the appointment of Council Secretaries would reduce the strength of the non-official majority in the Assembly, which would mean, so many won over by the official party, which would work as a handicap.

Sir Sivaswami Aiyer.—Q.—You have read the Crewe Committee's Report ?

A.—Yes, long ago.

Q.—They recommended that when the Government of India and the Legislature agreed the Secretary of State should not interfere and should establish a convention of non-interference ? Do you approve of that recommendation ?

A.—I do.

Q.—And I understand that you desire the Secretary of State's control to be relaxed and the Government of India made responsible to the Legislature ?

A.—Yes.

Q.—But, pending that, do you not think that the delegation of powers to the Government of India or the relaxation of the Secretary of State's control would be an improvement upon the existing state of things ?

A.—Yes, and I said so in answer to Mr. Jinnah, because the Government of India, I repeat, would be more amenable to the wishes of the people : but my complaint is that, while nominally the relaxation would take place, unless a statutory provision was made, the wire-pulling that the Secretary of State always does, would go on continually without the members knowing it was going on.

Q.—During the first term of the Assembly, the Assembly passed a number of important legislative measures, with regard to repressive laws, with regard to the removal of racial distinctions and a number of other things, and in the Assembly the elected members are in a majority, do you think the first Assembly has any record of useful work to its credit ?

A.—A very marvellous record.

Q.—Do you think that the Legislature really has no power, as you said a little while ago, or would you qualify that statement ?

A.—It all depends upon the desire to co-operate with each other on the part of the official and the non-official members of the Assembly. In the first year of the Assembly we saw a distinct indication that both parties were keen on co-operating with one another, but that was because outside the Assembly there was this non-co-operation movement hanging as a sword of Democles over the head of the Government ; but as soon as that movement was on the wane, it is my personal experience as a Member of the Legislative Assembly that the Government began to be less and less responsive until at last they did not mind being absolutely autocratic at the end.

Q.—I want you to have regard to the fact that, in the Assembly, the elected Members are in a decided majority ?

A.—Yes.

Q.—And they have done a lot of useful work. Now would you echo the voice of the Swarajist and say that the Legislature has no power, or

would you qualify that statement and say that the Legislature has power but no responsibility ? Or perhaps has not as much power as you would desire ? Do you think it is a fair statement to make that the Legislature has no power at all ?

A.—It can influence a good deal the Members of the Executive Government, and as you pointed out, there are numerous instances in which the first Legislature influenced the Government ; there is no doubt about that ; but what I found was, the moment the Government became adamant, that power which I thought the Legislative Assembly had seemed to disappear altogether. Take the instance of the certification of the Salt tax. You cannot have a worse instance of the way in which the power vested in the Governor General was misused.

(*Mr. Chairman*) —Q.—Do you think the power is in the Act to be used or not to be used ?

A.—That is a debatable point whether the Act confers that power.

(*Mr. Chairman*).—Q.—Is it a debatable point whether the power is to be used or not ?

A.—It is a debatable point whether the Act gives power under these particular circumstances. I say it was misused.

Q.—In the Minto-Morley Councils we had influence without power because you were not in the majority. In the present Reformed Councils we have some power, though perhaps not as much power as we might desire ?

A.—That power would be manifest in proportion as the Government would be inclined to respond to the wishes of the Legislature. It depends entirely on the goodwill of the Government.

Q.—You mean that the Government can exercise their powers of veto or certification or restoration, and limit the exercise of the power of the Legislature ?

A.—Yes.

Q.—But does the existence of this power in the hands of the Government in your opinion go to the extent of nullifying the power of the Legislature, or does it show that the power, such as it exists, is not sufficient in your opinion ?

A.—I say that the power is there and that it is not sufficient. Besides I repeat it depends upon the good-will that you are able to get from the Government. I am quite free to admit that both sides can play the game, but in the case of the first Legislature, Government had not the slightest justification whatsoever in flouting the wishes of the Assembly, and they did it in an unconscionable manner, that is my view.

Q.—And the present position is a position of the Legislature having power but no responsibility, just the objection which was taken in the Montagu-Chelmsford Report to the other schemes and other Councils ?

A.—One of the defectors is that it spoils the morale of the whole public life of the country. Where you have a little power to say anything you like and no responsibility whatever, you inevitably have a number of men who will play to the gallery and indulge in irresponsible statements, which they would not do if they were asked to step into the shoes of the Government.

Q.—Instead of that position of power without responsibility, the first Assembly did display a very considerable amount of responsibility ?

A.—The first Assembly, Oh yes.

Q.—And they were quite willing to co-operate ?

A.—I think so far as the first Assembly was concerned they were always willing to co-operate and give a fair chance to the Government.

Q.—You say on page 4 of your memorandum at the bottom, “ while, according to one authority, competent to express an opinion on the matter, there would be, under this arrangement, constant friction between the autonomous provincial Governments and an autocratic Central Government.” May I know who the authority is ?

A.—I should not like to mention it.

Q.—What is the heaviest item of expenditure in our Government ?

A.—The military expenditure.

Q.—And according to your ideas, you would introduce responsibility in the Central Government as well ?

A.—Yes.

Q.—And in doing so, would you make any exception ?

A.—I would have the whole civil administration transferred to Ministers, and would leave the military and foreign and political affairs for the time being, to be taken over by the Indian Legislature whenever it thinks that it is fit to do so by its own act.

Q.—Do you think it would be a satisfactory state of things if the Legislature had no voice at all with regard to this very heavy item of expenditure ?

A.—Far from being satisfactory, it is the one thing that causes dissatisfaction in the country. You must make a provision to allow the Members of the Legislative Assembly not only to discuss, but to vote on the Military budget.

Q.—They do discuss it ; they are not prohibited from discussing it ?

A.—Yes, but they do not vote on it. I would go further and give them the power to vote on it.

Q.—At the same time you are aware that even in England neither the electorate nor even the ordinary Member of Parliament shows any keen appreciation of the need for military expenditure ;—you are aware of that ?

A.—Yes in a way that is so in every country, but I have made a provision against that contingency. You could easily provide safeguards.

Q.—Don’t you think there is a danger of the need for military expenditure not being duly appreciated here ?

A.—I think, speaking about India, if you adopt a policy of rapid Indianisation of military services you will have the people taking more keen interest in military affairs than they are doing now. But I am not blind to the danger, to the possible risk, and therefore in my memorandum I have suggested that a minimum can be agreed upon between the Governor General and the representatives of the people which by certification the Governor General can always restore. It is quite possible to make adequate arrangements for necessary military expenditure.

Q.—You would assign a small margin for the members of the Legislature to vote upon.

A.—I would let them vote upon the whole ; then I would give the Governor General power to restore the minimum that is fixed.

Q.—An indispensable minimum ?

(*Mr. Jinnah*).—*Q.*—To be fixed beforehand ?

A—By agreement between the representatives of the people and the Governor General.

(*Mr. Jinnah*).—*Q.*—Beforehand ?

A.—Beforehand.

Q.—Supposing they cannot come to any agreement ?

A.—I mean the moment you have responsible government a contingency like that is not likely to arise of members of the Legislative Assembly refusing the whole of the grant

Q.—And you are willing to reserve the Army and exempt it from the sphere of responsibility. You said you would like to have the Army Indianised ?

A—Yes.

Q.—How could you manage that ? If you are prevented from interfering with military affairs altogether how would you bring about the Indianisation of the Army ?

A.—I would certainly have a clear declaration from the Government when responsibility is introduced in the Central Government, I would have a clear declaration with regard to their policy. That policy should be of Indianising very rapidly. I would not be satisfied, if I may put it in that way, with the way in which it is being done now.

Q.—Are you prepared to offer any opinion as to the period within which Indianisation could be completed ?

A.—I am not prepared to offer any opinion, but I think it can be provided that after 5 years the position can be reviewed or reconsidered

Q.—You mean the rate of Indianisation should be reconsidered from time to time ?

A—Yes ; and also with a view to enable the Legislature to take over the control of military affairs in its own hands.

Q.—At the end of 5 years ?

A—I say after every 5 years. Fix any period you like, but the question could be reconsidered from time to time, because sooner or later the Legislature must take over the subject of Defence.

(*Mr Jinnah*).—*Q.*—Would you fix 100 years for that ?

A—Oh, no, I think it will be within a much shorter time.

Q.—What has been the difficulty which has stood in the way of a successful working of the reforms, specially in the provinces, is financial stringency ?

A—Yes.

Q.—And do you think the Meston settlement has anything to do with it ?

A.—Well, Sir, you know how I have always fought the Meston settlement in the Assembly whenever I had the opportunity. It is the most inequitable and unjust system of financial arrangement between the Provincial Governments and the Government of India that was ever contemplated.

Q.—But the peculiarity about this settlement is that everybody complains of it in the same terms as you do ?

A.—Because in the first place, the allocation of the heads of revenue is unsatisfactory, and secondly there is the additional burden of provincial contributions, so that every province is practically crippled with regard to its financial resources, and in certain provinces—for instance, in Bombay I think I can say with a fair amount of accuracy that we are not much better off than we were before the reforms, because whatever measures of reform the Minister wants to introduce he cannot do so because he is hampered, he is crippled financially.

(*Mr. Chairman*).—*Q.*—Owing to financial stringency ?

A.—Owing to financial stringency.

Q.—Do you think it possible to arrive at a satisfactory settlement of the financial question without a revision of the Meston settlement ?

A.—Oh, no. You must revise the Meston settlement; that has been my demand when I was in the Legislative Assembly, and the Government of India have always tried to play one province against another.

Q.—Are you in favour of the re-allotment of the burden or dispensing with provincial contributions by fresh taxation ?

A.—I should re-examine the whole question and I should not lay down one fixed principle for all provinces. Take for instance Madras, which has a larger amount of land revenue than Bombay. You cannot ask Bombay to depend on land revenue and excise only and take away the whole of its income-tax. It means ruining Bombay, and leaving it without any finance to carry out its reforms.

Q.—Have you got any solution ?

A.—I don't think I can give a clear cut solution at the present moment, but I think it is perfectly beyond doubt that the question wants a thorough re-examination by impartial authorities ?

Q.—Would it be possible to put a stop to the system of provincial contributions without further taxation ?

A.—I am not prepared to go into details now, but I say a re-examination of the question will enable the Government of India to find a solution.

Sir Arthur Froom.—*Q.*—You stated that the first Reforms Council of the Assembly never lacked in willingness and earnestness to do their best to make the reforms a success, and as, Sir Sivasswamy Aiver pointed out, you did do a great deal of good work in passing Bills which were of great benefit to the country. Sir Sivaswamy mentioned two Bills. I may also mention the Workmen's Compensation Bill (now the Workmen's Compensation Act) and the Income-tax Bill. So you did a good amount of work ?

A.—Yes, I admit it.

Q.—So do I. Then you go on to say : “The great change in the personnel of the new legislatures at the last elections and with it, in the spirit in which some of them have lately interpreted their functions, constitutes, in itself, an eloquent proof of the inadequacy of the reforms.” I do not understand that point. Can you explain it ? May I just further elucidate my question. The first Assembly, to put it briefly, might be considered more reasonable than the second Assembly ; and from that you

deduce that the unreasonableness of the second Assembly is a proof that there should be further reforms. Now I put it to you, supposing there was an outside referee on this matter, do you think the referee would be impressed by the behaviour of the second Assembly as suggesting further reforms, or would not he be impressed rather by the first Assembly ?

A.—But what was the result of the goodwill and co-operation that was freely offered by the first Assembly—at the last moment the Government did not hesitate, if I may put it in very vulgar language, to give a parting kick to the members who had done everything to co-operate with them, by certifying a measure in the teeth of the opposition of the people. That constitutes the failure of the reforms.

Q.—I do not quite understand what you mean by “ a parting kick ” ?

A.—I will explain it to you.

Q.—I would rather leave the question if you are going to use such language.

(*Mr. Jinnah*).—You were not in the Assembly so you cannot realise it.

A.—(To Sir Arthur Froom).—Will you let me elaborate my point ?

Sir Arthur Froom.—If you are going to use language like that—“ a parting kick ”—I would rather you did not elaborate it !

A.—I am sorry—I said, if I might use such language. But what happened was this. When we were trying to explain the reforms to the people against all odds and all opposition, we laid stress on the point which was emphasised by Mr. Montagu in his speeches that while the veto was provided as in England, here the veto would not be exercised in ordinary circumstances, that the power of certification would be exercised in exceptional, in extraordinary circumstances, and that it was never contemplated that the certification would be resorted to in certifying, for instance, a Finance Bill. When the Government did that at the end of the term of the first Legislative Assembly, I said in the Assembly that “ we shall now have to go and hang down our heads in shame.” And that is actually what happened.

Q.—You mean you disagreed with the action of the Government of India in wishing to balance its Budget ?

A.—No, it is not a question of balancing the Budget. Not only that, but I think it was a most unwise thing for the Government to do to get the Governor General to certify a money Bill.

Q.—In your first Legislature you did a lot of good work. Then you disagree with the Government on one point. So long as Government were in agreement with the various measures you brought forward everything went smoothly, but when you suggested a line of action which the Government could not take, and Government exercises its powers, you did not like it ?

A.—Not the Government but the Governor General exercised his extraordinary power which was meant for use in exceptional circumstances.

Q.—Was this exercise of exceptional powers questioned in the Council of State ?

A.—You will not drag me into a discussion of the wisdom or otherwise of what the Council of State does in all matters ?

Q—Well, that is what the Council of State is for. Anyway, I gather that you are in favour of complete autonomy. You mean in the provinces?

A.—Yes.

Q—And in the Central Government?

A.—I want the transfer of the Civil Departments.

Q—And would you have introduced that at the beginning of say 1921?

A.—As a matter of fact when the deputation from the Home Rule League went to England, we urged that responsibility must be introduced into the Central Government also.

Q—But would you have introduced provincial autonomy in Bombay in 1921?

A.—Yes.

Q—You would have introduced it 10 years earlier in Bombay. What I want to get at is what date in the history of Bombay, the constitution and Government of Bombay, would you have introduced these reforms? About when do you think Bombay was ripe?

A.—I am not competent to say what I would have done 10 years ago but I would certainly have given responsible government much earlier.

Q—You would have given it in 1921?

A.—Without any doubt.

Q—And up to that, until you got responsible government, there must have been some other sort of Government, the Government which existed up to 1921. The same with the Government of India; before we had these reforms we had some other Government, and both these Governments had their own responsibilities?

A.—They had their responsibilities to the British Parliament.

Q.—Exactly. Well then you object to the Government, who has its responsibility, taking any interest whatever as far as I can make out when it begins to divest itself of its responsibility. Don't you think the Government who has its responsibility would be lacking in doing its work properly if it did not take some interest when the time is coming for it to divest itself of some of its responsibility?

A.—I do not quite follow.

Q.—Look here. You say on page 1 here "Nor can we accept without demur the tests laid down in the preamble by which Parliament will judge as to the time and manner of each advance of India towards responsible Government". Don't you think Parliament has got some responsibility?

A.—Constitutionally I do not question Parliament's authority, but at the same time if you apply the principle of self-determination which I think has been proclaimed by the greatest of English statesmen for all civilised countries—if you take that as the principle by which you are going to be guided, then I am afraid I cannot accept the test.

Q—My point is that a Government which is responsible cannot divest itself of its responsibility at one sweep, one blow. The Government still has responsibility to see that the powers it proposes to transfer to another Government are likely to be exercised wisely and well?

A.—But I should like Parliament to have the same amount of responsibility as exists in the case of the Dominions.

Q.—My point is this. The British Parliament should not say, “ Let India have self-government ; let us take it off our shoulders ; let us wash our hands entirely of India.” It has had responsibility for a large period of years. The British Parliament would be wrong—I don’t think you will agree with me in this—if it sought to divest itself of its responsibilities, and if it were to say that steps should be taken without any exercise of its powers that it has now got.

A.—You will permit me to say this. While I do not question the final constitutional authority that vests in the Parliament to give responsible government to the people, I do not think that the time and measure of each advance can be determined by Members of Parliament sitting six thousand miles away without consulting or without taking the advice of those who are here—Indians as well as Europeans—engaged in working the constitution.

Q.—Before the present Bill was enacted, they sought their advice, did they not ? They are likely to seek advice again. That is my point ?

A.—I go further and say that if you apply the principle of self-determination, which I am sure you will agree to, then the measure is to be determined by the people of the country themselves.

Q.—My point is this. The British Parliament cannot divest itself of its entire responsibility. You do not agree with that ?

A.—Take the case of the Dominions that are ready and make a demand. Parliament has used its nominal authority, I admit, but it has always gracefully given way, and I want the Parliament to do the same thing in the case of India.

Q.—You must admit that Parliament might say that there is a cry from a certain party in this country that they are ready for self-government, but they may not take the view that it is the cry of the whole country ?

A.—You will permit me to say this. It is not merely the cry of one party or another. You have so many different parties in the country but I do not think there is a single political party that does not demand with one voice that the time is ripe when responsibility should be introduced.

(*Sir Henry Moncrieff-Smith*)—*Q.*—On the ground of fitness ?

A.—Yes. It is a principle which ought to be accepted by every one. No one nation has the right to question the fitness of another nation....

(*Mr. Chairman*)—I think we are getting away from the point.

Sir Arthur Froom.—My point was that the Parliament has got its responsibilities

(*Mr. Jinnah*).—*Q.*—Parliament has its responsibilities. Do you think it ought to continue for ever or that it must terminate at some date ?

A.—Parliament ought to have the same responsibility that it has in the case of the Dominions.

(*Mr. Chairman*).—*Q.*—Would you like even that to terminate at some day ?

A.—I think I have made it abundantly clear that we do not want to break the link with the British Parliament. But we want them to exercise the same authority which they do in the case of the Dominions which are self-governing.

The President thanked the witness who then withdrew.